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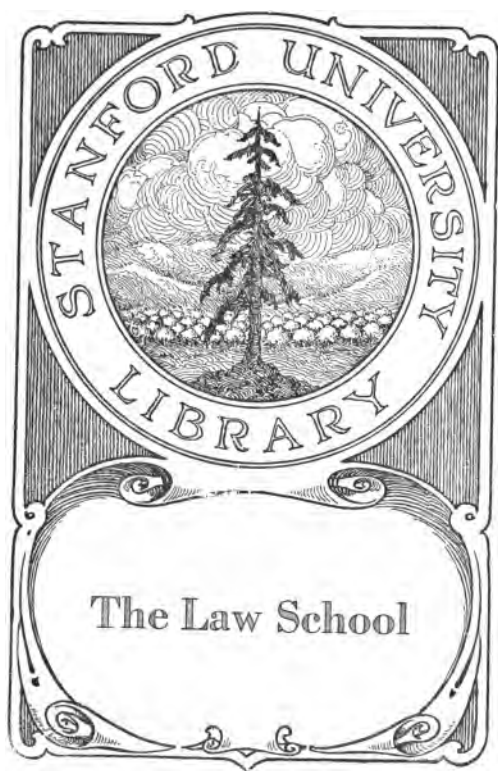
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ACTS

PASSED AT

THE FIRST SESSION

OF THE

TWENTY-FOURTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

1841-42.

PUBLISHED BY AUTHORITY.

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VIA ABIL GIORNATO

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ACTS

OF THE

GENERAL ASSEMBLY OF TENNESSEE.

PASSED AT THE FIRST SESSION OF THE TWENTY-FOURTH GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE, ON MONDAY, THE FOURTH DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE.

CHAPTER I.

An Act to change the time of holding the Term of the Circuit Court of Madison county, from the 4th Monday in October to the 4th Monday in December, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fall term of the circuit court for the county of Madison, shall set hereafter, as formerly, on the 4th Monday in December; and all cases which may be pending at the October term of said court, as well as all process, recognizances or other proceedings whatsoever, that shall be depending in, or returnable to the next October term of said court, shall stand adjourned to the December term next, and shall be as good and effectual in law, as if said term had not been changed from December to October aforesaid, any law to the contrary notwithstanding.

SEC. 2. *And be it further enacted by the General Assembly of the State of Tennessee*, That so much of the law passed at the last General Assembly of this State, changing the holding of the term of said court from the 4th Monday in December to the 4th Monday in October, be, and the same is hereby repealed.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Oct. 14th, 1841.]

Speaker of the Senate.

CHAPTER II.

An Act to amend the act of 1811, chap. 2, in relation to penalties and forfeitures.

SECTION 1: *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where a forfeiture to the State shall be, or shall have been incurred, under the 15th section of the act of 1835, chap. 13, for a violation of the revenue laws of this State, and where judgments shall be recovered therefor, it shall be lawful for the defendant to make his application by petition, on oath, to the court in which the judgment shall have been rendered; and if said court shall be satisfied that no wilful violation was committed, or that there was no evasion of the revenue laws of this State intended by said defendant, it shall be lawful for said court to direct the forfeiture to be refunded by the sheriff or other person recovering the same, if it shall have been collected; *Provided,* that the defendant shall pay all the cost of the original judgment, as well as the application aforesaid: And *provided,* that when the money has been paid over to the Treasurer of the State, it shall not be so refunded; and *provided,* the party so liable, shall first pay the amount of tax, or perform the duty for which the penalty was incurred, before he shall be released or the money refunded.

SEC. 2. *Be it enacted,* That this act shall continue and be in force for nine months from the passage thereof, and no longer.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed 28th Oct. 1841.]

CHAPTER III.

An Act to repeal the 9th section of chap. 68 of the acts of 1838.

Be it enacted by the General Assembly of the State of Tennessee, That section nine, of the sixty eighth chapter of the Acts of the General Assembly of the State of Tennessee, passed the 29th of November, 1838, entitled "an act to amend the laws now in force, to suppress gaming" be, and the same is hereby repealed.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Oct. 27th, 1841.]

CHAPTER IV.

An Act to amend the act of 1813, chapter 119.

Be it enacted by the General Assembly of the State of Tennessee, That widows dissenting to the wills of their husbands, shall be entitled, and receive one year's provision in the same way and to the same extent as if their husbands had departed this life intestate.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed 27th Oct. 1841.]

CHAPTER V.

An Act to amend an act, passed in 1825, chap. 52, for the correction of Errors made in Grants.

SECTION 1. *Be it enacted by the General Assembly of* ^{Errors corrected} *the State of Tennessee,* That the provisions of the first and second sections of the act of 1825, chap. 52, be so amended, as that when any error may have been committed by the surveyor in describing the courses or distances, or the name of the party by whom the entry was made, or for whom the survey was made; it shall be the duty of the Register to correct such error upon the face of the original grant, and upon the records of his office, for which service the Register shall demand, and receive a fee of fifty cents from the applicant.

SEC. 2. *Be it enacted,* That the evidence to be furnished to the Register in proof of such error, shall be an affidavit of the person in whose possession or office, the Entry Taker's books are by law kept, or the affidavit of the original surveyor, if alive; should the error be in the surveyor, or should the original surveyor be dead, be removed from the county, then by the affidavit of the surveyor of the district or county wherein the land lies, which affidavit may be made before any acting justice of the peace, or judge of the circuit court of this State.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Nov. 8, 1841.]

CHAPTER VI.

An Act to appoint Commissioners to settle the business of the late Board of Common School Commissioners of Sevier county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Samuel Pickens, Henry G. Hodges Sen., Allen S. Bryan, George McCowen, Stewart O. Dickey, Albert T. W. Clendenen and Henry M. Thomas, are hereby appointed Commissioners for the purpose of settling the business of the late Board of Common School Commissioners of Sevier county, created under an act of the General Assembly of the State of Tennessee, passed on the 14th day of January, 1830.

SEC. 2. *Be it further enacted,* That it shall be the duty of said Commissioners, as soon as practicable after the passage of this act, to proceed to organize themselves into a Board, as prescribed in the act of 1830, chap. 107. A majority of said commissioners shall be sufficient to organize said Board, and to do any business required of said Board.

SEC. 3. *Be it further enacted,* That said Board, when organized, shall call on the clerk and treasurer of the late Board of Common School Commissioners of Sevier county, for all the money, notes, books and papers of every kind and description belonging to the late Board aforesaid; and it is hereby made the duty of said late clerk and treasurer, to deliver them over, upon application of the clerk and treasurer of the Board appointed by this act, and take a receipt therefor, which said receipt shall be a good voucher for him in the settlement of his accounts.

SEC. 4. *Be it further enacted,* That when said Board shall have received the money, notes, books and papers belonging to the late Board, as prescribed by the foregoing section of this act, it shall be the duty of said Board to proceed to settle the business of the late Board, and to appropriate the funds belonging to the same, as prescribed by the existing laws of the State in relation to that fund.

SEC. 5. *Be it enacted,* That upon the presentation of an order, signed by the county trustee of Sevier county, or by any member of the Board of Trustees of Nancy Academy, in Sevier county, to the Comptroller of the Treasury—he shall issue his warrant to the Treasurer of the State for such sum as may be found due said academy.

SEC. 6. *Be it enacted,* That upon the receipt of the money, contemplated by the foregoing section, by the trustee of the county, or by either of the members of the Board of Trustees of said academy, it shall be the duty of the person

so receiving the same, to pay said money over on demand, to the order of the Board of Trustees, any law to the contrary notwithstanding.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

CHAPTER VII.

An Act, giving further time for obtaining Grants in the Hiwassee and Ocoee Districts.

Be it enacted by the General Assembly of the State of Tennessee, That the further time of two years, from the end of the present session of the General Assembly, be allowed the purchasers, and assignees of purchasers, enterers, and assignees of enterers of land in the Hiwassee and Ocoee Districts, to obtain their grants for the same.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Nov. 1st, 1841.]

CHAPTER VIII.

An Act to change the time of holding the circuit courts of De Kalb county.

Be it enacted by the General Assembly of the State of Tennessee, That the circuit courts for the county of De Kalb, shall hereafter be holden on the first Mondays in April, August and December: *Provided,* the first term of said court shall be held on the second Monday in December, as heretofore prescribed by law.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Nov. 12th, 1841.]

CHAPTER IX.

An Act to change the time of holding the chancery courts in Lewisburg, Marshall county.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, that the chancery courts in the town of Lewisburg, shall be held on the second Mondays in March and September; and so much of an act passed in 1840, as required said courts to be held on the third Mondays in February and August, is hereby repealed.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Nov. 13, 1841.]

CHAPTER X.

An Act to amend the act of 1794, chap. 1, and the act of 1837, chap. 131.

Be it enacted by the General Assembly of the State of Tennessee, That all original or *mesne* process in civil suits, issuing from the circuit courts, shall and may be issued five days before the commencement of the term to which such process is made returnable, and shall be executed in the manner and time as by law now directed.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Nov. 16, 1841.]

CHAPTER XI.

An act to authorize Thomas Lanier of the county of Wayne, to open a Turnpike Road.

Turnpike authorized.
 SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas Lanier be, and he is hereby created a corporation sole, and as such, is authorized to open, establish and keep in repair, a turnpike road, beginning on the Alabama line, and running through the corner of Wayne county, Tennessee, to the Hardin coun-

ty line in said State; the same to run with the present road as near as practicable.

SEC. 2. *Be it enacted*, That the said Thomas Lanier shall open said road, at least twenty feet wide, clear of all timbers and undergrowth, and clear fourteen feet in the centre of said road, of all rocks, stumps and every other obstruction to the passage of carriages and horses, where the ground over which said road passes will admit of it to be done with reasonable exertions; but in no case to be less than twelve feet wide; and to erect bridges and causeways where necessary, at least twelve feet wide.

Width of road

SEC. 3. *Be it enacted*, That John McFalls, George Cook, Andrew South, James McFalls and William McFalls, are hereby appointed commissioners to view said road, and when the said Thomas Lanier shall give notice that the said road is opened, it shall be the duty of said Commissioners to attend and view said road, and if they find it opened in the manner prescribed in this act, then the said Commissioners shall, and they are hereby authorized and required to issue a license under their hands and seals, to the said Thomas Lanier, to erect a toll-gate on said road, at any place he may think proper; and it shall be the duty of said Commissioners by this act appointed, to examine and view said road, once in six months at least, and oftner, if from satisfactory information on oath, that said road is out of repair; and if at any time the said Commissioners shall find said road not in the repair contemplated by this act, it shall be their duty to open said proprietor's gate, and keep the same open while the same remains out of repair, and until the proprietor shall notify the Commissioners that the said road is in the repair contemplated by this act, and on receiving such notice, it shall be the duty of said Commissioners to examine said road, and should it be found in the repair required by this act, it shall be the duty of said Commissioners to shut the gate for receiving toll, and should the proprietor, directly or indirectly, receive toll at said gate, while the same is directed to be kept open by the said Commissioners aforesaid, such proprietor shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt before any Justice of the Peace in this State, in the name of the person who will sue for the same; and should said Commissioners from their own view, or other satisfactory information, find that said road has been out of repair for two weeks together, at any one time, it shall be their duty to make report thereof to the county court of their county, and the same shall be recorded, and a copy of which shall be *prima facie* evidence against said proprietor in all suits that may be brought against him.

The duty of Commissioners.

SEC. 4. *Be it enacted,* That the Acts of the General Assembly of the State of Tennessee, passed 1835, chap's. 54 and 66, be, and the same are hereby declared to be in full force and virtue, so far as the same are not inconsistent with this act.

SEC. 5. *Be it enacted,* That the said proprietor shall be, and he is hereby authorized to erect a toll-gate on said road, at any point which he may think proper, and shall be entitled to receive the following rates of toll, to wit:—for each waggon and team, $37\frac{1}{2}$ cents; for each cart and driver, $18\frac{1}{2}$ cents; for each four wheel carriage of pleasure, 50 cents; for each carryall or dearbourn waggon, 25 cents; for each man and horse or mule, $6\frac{1}{2}$ cents; and for all loose horses or mules in a drove, 1 cent each; head of cattle, hogs or sheep, 1 cent.

SEC. 6. *Be it enacted,* That the Commissioners appointed by this act shall, before they enter upon the duties of their appointment, take and subscribe before some Justice of the Peace the following oath, to wit:—I do solemnly swear that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities, so help me God—and the said Commissioners shall be entitled to receive at the rate of one dollar per day for every day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by the proprietor of said turnpike.

SEC. 7. *Be it enacted,* That if any part of said road shall be out of repair at any time after it is received by said Commissioners, by reason of which, any person shall sustain any damages in person or property, such person may have and sustain an action on the case against such proprietor for such damages.

SEC. 8. *Be it enacted,* That if any person or persons shall pass said gate arbitrarily, or within a mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence, to the proprietor of said turnpike, the sum of twenty-five dollars, to be recovered by action of debt before any Justice of the Peace in the State.

SEC. 9. *Be it enacted,* That this charter is hereby given to the said Thomas Lanier, his heirs and assigns, for the term of thirty years.

SEC. 10. *Be it enacted,* That the proprietor of said turnpike road shall have the same measured and plainly mile marked, beginning at the Harden county line, and running to the Alabama state line, and shall keep the same in good repair, as required by his charter; and in case he shall fail to do so, he shall be subject to indictment and presentment, as

overseers of public roads are indictable and punishable in like cases.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Nov. 15, 1841.]

CHAPTER XII.

An Act to amend an act entitled "An act to provide for the probate and registration of Deeds and other Instruments," passed December, 1831, chap. 90.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Register in each and every county in this State, shall keep a well bound book, each page of which shall be divided into six columns, with titles or heads to the respective columns, in the following manner, to wit:—

Date of Reception.	Grantors.	Grantees.	County.	No. of Acres.	Fees received.
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SEC. 2. *Be it enacted,* That the Register shall enter in said book all deeds and other instruments left to be registered, noting in the first column the day and hour of reception, and the other particulars in the appropriate columns; and every deed or other instrument shall be considered as registered, and take effect at the time so noted. Register's Duty.

SEC. 3. *Be it enacted,* That the Register, as soon as deeds or other instruments are so noted, shall forthwith and without delay, register such deeds or other instruments in the order of time of their reception. Instruments to be Registered.

SEC. 4. *Be it enacted,* That no lease for more than three years from the time of the making thereof, though the same may be in writing, shall be valid and effectual against any person other than the lessor, his heirs and devisees, and persons having actual notice thereof, unless such lease shall be proven by two witnesses at least, or acknowledged by the lessor and registered in the county where the land lies. Time of lease

SEC. 5. *Be it enacted,* That the Register shall certify upon every instrument registered by him, the time when it was received, and the number of the book and page where it is so noted: *Provided,* that the Register shall not be compelled to receive a deed in any case, and perform the duties in relation thereto required by this act, unless the legal fees for registration accompany such instrument. Register shall certify.

SEC. 6. *Be it enacted,* That the Register shall carefully preserve and arrange in alphabetical order, all deeds Register's further duty.

deposited with him for registration, and shall exhibit the same while they remain in his office, as well as the note-book aforesaid, to all persons who may wish to inspect the same, and such Register shall be authorized to give copies of such deeds, when applied for, in the same manner as he is bound to give copies from the Register's books. The Register shall also put at the foot of each registration of a deed, the time when the same was received for registration. And upon failure to perform any of the duties required by this act, the Register, shall be considered guilty of a misdemeanor, and may be indicted therefor as in other cases of misdemeanor, and shall be moreover civilly responsible to any person injured by such failure.

SEC. 7. The fourth section of this act shall take effect from and after the first day of January, 1843; and the other parts of the act from and after the first day of January, 1842.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed 16th Dec. 1841.]

CHAPTER XIII.

An Act to appoint commissioners on Bark's turnpike road, leading from Sparta to the Crab Orchard.

Be it enacted by the General Assembly of the State of Tennessee, That David Snodgrass and William Little, are appointed Commissioners upon the turnpike road leading from Sparta to the Crab Orchard, through White and Bledsoe counties; and that they have the same power and privilege, receive the same pay, and perform the same duties as other Commissioners have heretofore received on said road.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Nov. 24, 1841.]

CHAPTER XIV.

An Act for the relief of the legal representatives of Daniel Fox, deceased.

SECTION 1. *Be it enacted by the General Assembly of*

the State of Tennessee, That the Treasurer pay to James Drennen, administrator of Daniel Fox, dec'd., such portion of the annuity allowed said Fox, as would equitably accrue from the 17th day of October, 1840, to the day of his death.

SEC. 2. *Be it enacted*, That it shall be the duty of the Comptroller of the Treasury to ascertain the amount so due, at the rate of forty dollars per annum, as allowed by the act of the 17th Oct. 1811, and issue his warrant for such amount as in other cases.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Nov. 27, 1841.]

CHAPTER XV.

An Act giving further time for making surveys and obtaining grants on entries heretofore made.

Be it enacted by the General Assembly of the State of Tennessee, That the further time of two years after the passage of this act, be given for making surveys and returning plats and certificates, and obtaining grants on all entries heretofore made, and also upon all plats and certificates of survey heretofore made, and upon which grants may not have been issued.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Nov. 30, 1841.]

CHAPTER XVI.

An Act to change the venue in civil causes in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases where an issue out of Chancery, shall be directed to be tried before the Circuit Court of any county, such court shall be authorized to change the venue in the same manner as in suits originally brought in such court, and in like manner where such issue or question of fact shall be directed to be tried by a jury in the Chancery Court; the Chancellor shall be authorized to change the venue, upon a proper case being made out in the

same manner as the Circuit Courts are authorized to change the venue in cases pending therein. And in all cases where issues in Chancery, or questions of fact in a cause in Chancery are directed to be tried by a jury, the pleadings, or a copy thereof, and evidence taken in the cause that is relevant to the issue, shall be read on the trial, but the parties litigant, shall not be examined in open court.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Nov. 3, 1841.]

CHAPTER XVII.

An Act to repeal an act "entitled an act to incorporate the Town of Madisonville, in the county of Monroe.

Be it enacted by the General Assembly of the State of Tennessee, That an act passed on the 20th day of February, 1836, incorporating the Town of Madisonville, be, and the same is hereby repealed:

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Passed Dec. 8th, 1841.] *Speaker of the Senate.*

CHAPTER XVIII.

An Act to amend an act entitled "an act to establish the Town of Jackson, in the County of Madison, and to authorize the Commissioners thereof to pass By-Laws and Ordinances for the regulation of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a town constable shall hereafter be elected for the Town of Jackson, by the qualified voters entitled to vote in the corporation elections of said town; the votes to be received at the court-house in said town, and that the highest aggregate vote in favor of any individual duly eligible for that office, shall constitute an election.

SEC. 2. *Be it further enacted by the authority aforesaid,* That the town constable for the town of Jackson, shall hold his office for the term of two years next ensuing, after his election.

SEC. 3. *Be it further enacted by the authority aforesaid,*

Town Constable to be elected.

That it shall be the duty of the Sheriff of the county of Madison, to open and hold an election to elect a town constable for the town of Jackson, on the second Saturday in January next, under the rules and regulations which now govern the holding of other popular elections in the State, and that it shall be his further duty to open and hold an election thereafter, for the same purpose, and at the same place, biennially, on the second Saturday of the same month.

SEC. 4. *Be it further enacted by the authority aforesaid,* Duties of Constable.
That the duties of the said town constable be, and remain the same, as they are now by law.

SEC. 5. *Be it further enacted by the authority aforesaid,* Act of 1822 repealed.
That so much of the 6th section of the act of 1822, chapt. 99, as makes it the duty of the Board of Aldermen of the town of Jackson, to appoint a town constable, be, and the same is hereby repealed.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Dec. 17, 1841.] *Speaker of the Senate.*

CHAPTER XIX.

An Act to consolidate the funds and to provide for but one instead of two separate classes of Common Schools in the Hiwassee and Ocoee Districts in the State of Ten.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter each township lying within the counties and parts of counties included in the Hiwassee and Ocoee Districts, shall constitute and be a common school district. Parts of counties shall form districts.

SEC. 2. *Be it enacted,* That the commissioners of school lands in the several townships in said Hiwassee and Ocoee Districts, shall also be common school commissioners, and as such shall do and perform all the duties which shall be required of them by the laws of the State in relation to the taking the enumeration and making the returns of the number of white children in their respective townships; and under the provisions of the common school laws, shall receive and apply all such moneys as shall from time to time be apportioned and due to said several districts; and the funds so received by said commissioners, together with the rents and proceeds of the school lands in their respective townships, shall be applied by them to the support of common schools within their several townships. Commissioners of school land to be common school commissioners.

SEC. 3. *Be it enacted,* That on the first Monday in January next, and every two years thereafter, an election shall

Election—when to be held.

be held in each township in the Hiwassee and Ocoee districts by a Justice of the Peace, or a senior Justice residing in such township, he giving fifteen days notice in writing at three or more public places in said township, for three commissioners of school lands, who shall also be common school commissioners, as provided for in the second section of this act; who shall hold their offices for two years, and until their successors are elected and qualified; said commissioners to be elected by voters qualified to vote for members of the General Assembly. And should the time specified in this act for the election of commissioners pass without said election being made, the person herein required to hold such election shall give like notice, and shall proceed to hold such election upon such day as he shall designate in his advertisement; and when said commissioners are duly elected, the justice holding such elections, shall certify to the county court of his county, that they are duly elected as commissioners aforesaid—when said commissioners shall give a bond as hereinafter prescribed, and take the following oath, to wit:—I do solemnly swear or affirm (as the case may be) “that I will well and truly perform all the duties of Common School Commissioner during my continuance in office, to the best of my skill and ability—so help me God.” And shall in all things be liable to the same accountability, and perform all the duties of Common School Commissioners; and shall have the care and renting of the school lands lying in their respective townships, and apply the same, together with the common school fund received by them, to the support of common schools as prescribed by law.

County court may appoint commissioners.

SEC. 4. *Be it enacted*, That the county courts respectively, shall at any term of said court, appoint five persons, a majority of whom shall be competent to act; whose duty it shall be to lay off any fraction in their respective counties, or parts of counties, included in said Hiwassee or Ocoee districts, and not included in some township therein, into common school districts of convenient size, and make report to said county court; which report shall be recorded by the clerk thereof. And such districts so laid off shall elect commissioners as prescribed in this act, and be in every respect entitled to all the rights, benefits and emoluments of other common school districts in this State: *Provided*, should any such fraction be too small to constitute a common school district, then said commissioners shall attach the same to the most convenient township; which shall become and constitute a part of said township to which it may be so attached.

Funds to be apportioned.

SEC. 5. *Be it further enacted*, That in all cases where a township is divided by a county line, the commissioners for

the school land in such township shall apportion the funds arising from the school lands in proportion to the scholastic population in each county in said township, and shall receive and proportion the common school fund in like manner.

SEC. 6. *Be it further enacted*, That when the population of a township is scattered, and lies remote from the place where the township school is established; and such portion of the population desire to have a separate school, and will build a school house and furnish a list of twenty scholars or more to the commissioners, the persons who shall so apply, having the said twenty scholars within the age prescribed by law, shall be entitled to their ratable share of said fund, to be expended for the benefit of said separate school under the direction of said commissioners.

Fund may be divided.

SEC. 7. *Be it enacted*, That the said county courts respectively shall take from the commissioners so elected as aforesaid, a bond with good and sufficient security, in the following form, to wit: We, —, on the — day of —, 18—, having been elected commissioners of the school land in township —, range —, of the meridian, Hiwassee or Ocoee district (as the case may be) acknowledge ourselves indebted to — Esq., chairman of the county court of — county, in the penal sum of — dollars; but to be void on condition that we faithfully discharge the duties by law belonging to the office to which we have been elected as aforesaid; and that we account for all the moneys by us received, and the rents and profits of the school section in said township.

County courts may take bond.

SEC. 8. *Be it enacted*, That there shall be a sufficient number of common schools for the instruction of children in every township in said Hiwassee and Ocoee districts, to be supported by the rents and profits of the school land therein; and their proportion of the common school fund to be received as heretofore provided; and to be located wherever in said township the said commissioners may think proper: *Provided*, that any school-house built and a school heretofore located, is not to be disturbed by said commissioners; but the same is to remain as one of the public schools.

Sufficient number of schools to be established.

SEC. 9. *Be it enacted*, That the said commissioners shall make a settlement with the clerk of the county court of their respective counties annually; in which said settlement the said commissioners shall set forth upon oath the amount of common school funds by them received each year, and the amount of the rents and profits in kind of the school and in their respective townships, received by them yearly, and how the same has been disbursed; and the respective clerks of the said county courts are required to make such settlement; for which he shall receive one dollar for each settlement so made

Commissioners shall make settlement.

by him; to be paid by said commissioners out of said school fund.

Penalty for refusing to settle.

SEC. 10. *Be it enacted*, That if said commissioners should fail or refuse to make such settlement with the clerk as aforesaid, the attorney general upon being notified of the fact, shall move the circuit court of the county wherein the failure is so made for judgement against the commissioners so failing to make such settlement, in the name of the chairman of the county court of said county, upon their bond for the amount of the penalty therein contained; and the said circuit court is hereby authorised and required to enter such judgement upon the production of their bond, or a certified copy of the same, and satisfactory proof that said settlement has not been made.

Commissioners shall rent out the school land.

SEC. 11. *Be it enacted*, That said commissioners shall rent the school lands in their respective townships from year to year, or for a longer period, not exceeding five years. When it may be necessary for the erection of water works or other valuable improvements, or for the purpose of improving said lands by cultivating the same in small grain, they shall bind the lessees to pursue such a course of husbandry as will, in their judgement, be best calculated to preserve said lands and improve their quality; to keep the fences, buildings and other improvements thereon in good repair, and to abstain from all unnecessary waste, only using so much of the timber growing on said land as may be necessary for the purposes of good husbandry. And the said commissioners shall receive six per cent. on the amount of money by them received from the rents and profits arising from the school lands and the common school fund, and for disbursing the same, as full compensation for all services aforesaid.

May appoint a President.

SEC. 12. *Be it enacted*, That to facilitate the transaction of business, the commissioners may appoint one of their number President of their body; who shall call meetings, preside over them, and make preparations for the good government of schools. And service of process on said President shall be equivalent to service on all; and that on the death, resignation, or removal from the township of any commissioner, the balance shall have full power to discharge all business belonging to their office.

May sue and be sued.

SEC. 13. *Be it enacted*, That said commissioners may sue and be sued for all causes of action growing out of their official station, and all process and other proceedings in any suit brought by or against them, shall run for, or against them, by the name of the commissioners of the school land and common school fund in the — township, — range of the meridian of the Hiwassee or Ocoee districts, (as the case may be.)

SEC. 14. *Be it enacted,* That any inhabitant of a township, qualified to vote for commissioners, may complain to the attorney general of the district, on occasion of any breach of their bond; and if on investigating said complaint, the attorney general be of opinion that the interest of the township requires it, he shall sue said commissioners on their bond in the circuit court, in the name of the chairman of the county court, for the use of the township. Complaints —
by whom made.

SEC. 15. *Be it enacted,* That moneys collected from the commissioners by suit, shall be paid into the clerk's office by the officer collecting the same, to be paid to the successors of said commissioners, on the production by any of said successors of an order of his board for the same; and any one recovery upon said bond shall not bear a second recovery. Money collected
---where to be
paid.

SEC. 16. *Be it enacted,* That actions of ejectment for the recovery of school lands may be brought in the name of John Dein, lessee of the State of Tennessee, as plaintiff, against the person holding possession; and the clerk of the circuit courts shall issue writs for such purpose at the instance of the school commissioners, appointed under the authority of this act; and shall be prosecuted at their instance under the same rules as other actions of ejectment. Action of eject-
ment.

SEC. 17. *Be it enacted,* That the president of the board of commissioners of any township or common school district, shall have full power and authority to receive from the person or persons authorised by law to pay the same, all the common school moneys to which his respective township or common school district is by law entitled, upon his producing a copy of the commissioner's bond, and an order of the board requiring him to apply and receipt for the same, and that said president shall execute duplicate receipts for the same, one of which shall be filed in the county court clerk's office of his county. President to re-
ceive school mo-
nies.

SEC. 18. *Be it enacted,* That all laws and parts of laws coming within the purview and meaning of this act be, and the same are hereby repealed. All laws to the
contrary repeal-
ed.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Dec. 13, 1841.]

Speaker of Senate.

CHAPTER XX.

An act to refund to White County the fines and forfeitures wrongfully paid to the Treasurer of the State.

Be it enacted by the General Assembly of the State

of Tennessee, That it shall be the duty of the Treasurer and Comptroller of the State of Tennessee, to refund to William G. Sims, Clerk of the Circuit Court of White county, two hundred and sixty three dollars and twenty cents, which was wrongfully paid to the Treasurer by said Clerk, which money the said Sims shall pay over to the County Trustee of the said County of White, when the same shall have been paid.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Dec. 13, 1841.]

CHAPTER XXI.

An act to authorise the County Courts to appoint Guardians for Infants in certain cases and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That where any husband shall abandon his wife without any lawful cause, and in all cases where the wife shall be authorised to file her petition to be divorced from her husband on account of ill treatment, or for other causes specified in the statutes, regulating divorces, it shall be lawful for the County Court of the County in which the wife may reside at the time the husband abandoned her, if it shall be made appear to the satisfaction of said court, that the said husband abandoned his wife without reasonable cause, or for the Circuit or Chancery Court in which the petition for a divorce may be filed, to appoint the wife Guardian for her children, and she shall be authorised to give bond and security and take upon herself the Guardianship, and to have the custody, care and education of the child or children.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Passed Dec. 15, 1841.] *Speaker of the Senate.*

CHAPTER XXII.

An act to amend the law in relation to common schools in Lincoln County.

SECTION 1. *Be it enacted by the General Assembly*

of the State of Tennessee, That where the fractical parts ^{Fractional dis-} of Lincoln County shall have been laid off into common ^{tricts.} school districts, commissioners therein shall be elected, qualified, and in all things be governed in the same manner, and by the same laws applicable to, and governing the township districts in said County, and the commissioners both of the township districts and of the fractional districts, shall there-upon proceed to ascertain the scholastic population of their respective districts, and make report thereof to the Clerk of the County Court of said County, in the same manner, and under the same rules and provisions prescribed by the laws in force for the establishment and regulation of a system of common schools in this State, and after the enumeration above provided for, said commissioners shall make annual reports of the scholastic population of their respective districts in the same manner, and under the same rules provided by law, for the regulation of other common school districts in this State.

SEC. 2. *Be it further enacted*, That when the first enumeration herein provided for, shall have been made, the ^{Fund of 1840-1} County Court of Lincoln County shall have power upon the ^{to be divided.} reports of the Commissioners to distribute among said districts, the school fund apportioned to Lincoln County for the year 1840, and 1841, according to said enumeration in the same manner and under the same rules prescribed for the superintendant in making apportionments.

SEC. 3. *Be it further enacted*, That the law in force ^{In force in Mar-} in Lincoln County, in relation to school land districts, and the ^{shall county.} Commissioners thereof, be and the same is hereby extended and enforced in Marshall County.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Dec. 15, 1841.]

CHAPTER XXIII.

An act creating William Staples, of the County of Morgan, a corporation sole, for the purpose of constructing a Turnpike Road.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Staples of the County of Morgan, be and he is hereby constituted a corporation sole for the purpose of constructing a Turnpike Road from Tandy Centers, in Roan County, crossing Emery Riv- ^{May erect a} ^{turnpike.}

er, where it passes through Walden's Ridge, to intersect the Turnpike Road leading from Sparta to the Crab Orchard, at or near John Kimmer's.

SEC. 2. *Be it enacted,* That the said William Staples be, and he is hereby authorised to build all such bridges and causeways and make such Turnpike Road.

SEC. 3. *Be it enacted,* That after the completion of said proposed Turnpike Road, in a substantial and proper manner, to be viewed and approved by three commissioners appointed by the County Court of Morgan County, the said William Staples shall, and may, and he is hereby authorised to receive from all passengers the same rate of toll as is authorised by an act to authorise George Helms and Adam Helms to open and establish a Turnpike Road; passed August 23, 1822.

SEC. 4. *Be it enacted,* That if at any time the said William Staples shall suffer any part of said road to be and remain out of order for the space of ten days, then, and in that case, upon the application of any person or persons to the County court of Morgan County, commissioners shall be appointed to examine the same, and if upon such examination the said road be found out of order, they shall direct the opening of the gates, and no pikeage shall be again taken until such road is so improved and approved of by the commissioners, thus by the County Court appointed.

SEC. 5. *Be it enacted,* That if said proprietor shall at any time demand and receive any higher or greater toll than is by law allowed to Geo. Helms and Adam Helms, in a charter granting to said Helms a like privilege, he shall be subject to the like fines and penalties as is the said George Helms and Adam Helms.

SEC. 6. *Be it enacted,* That in no case shall the said corporation be allowed to ask or demand of any citizen of the County of Morgan, any toll for passing on the same.

SEC. 7. *Be it enacted,* That the said William Staples, shall, and may enjoy the sole privilege of such Turnpike, for and during the space of thirty years, provided he shall commence and complete the same in three years, the same being regularly measured, and mile marked.

SEC. 8. *Be it enacted,* That the said William Staples shall have power to adopt such rules and regulations for the government of said Turnpike, as are not inconsistent with the constitution of the United States, or of this State.

SEC. 9. *Be it further enacted,* That Thornton Kinnard, O. Hembree and James Brown, be and they are hereby appointed commissioners, to lay out and locate the line of said proposed Turnpike; and in case they fail or refuse, upon application to perform said duty, then, and in that case,

the said William Staples may at his own election locate and designate the line and direction of the same.

BUCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Dec. 18, 1841.]

CHAPTER XXIV.

An act, to amend an act, entitled an act, to regulate and simplify the distribution and division of the estate of persons dying insolvent; passed Oct. 18, 1833.

SECTION 1. *Be it enacted by the General Assembly* Act of 1833 amended:
of the State of Tennessee, That so much of the above recited act, as requires the Clerks of the County Courts to appoint commissioners to make distribution "*pro rata*," among the creditors of insolvent estates, be, and the same is hereby repealed. And hereafter in all cases in which such *pro rata* distribution is required to be made by said act, it shall be the duty of the clerks themselves, to take and state an account in which they shall shew the amount of each creditor's claim that is allowed, and the amount to be paid by the administrator or executor, in satisfaction of said claims.

SEC. 2. *Be it enacted,* That it shall be the duty of said Duty of Clerks.
 Clerks to report all accounts so taken by them to the County Court of their County for confirmation or rejection, at which time any person interested may make such objections, or take such exceptions to said accounts as they may think proper, and if their reports are confirmed, they shall be recorded, if not, they shall be referred back to the Clerk, with instructions from the Court to the Clerk, to make such alterations as to the Court shall seem just, until they are confirmed, when they shall be recorded and be conclusive evidence of the amount due each creditor.

SEC. 3. *Be it enacted,* That the Clerks shall furnish a Clerks' fees.
 copy of said reports to the administrators or executors, for which copy they shall be allowed fifty cents, and for receiving and filing suggestions of insolvency of any estate, and making order of publication thereof, they shall be allowed fifty cents for receiving and filing each claim against an insolvent estate $12\frac{1}{2}$ cents, for making the settlement of each insolvent estate as herein provided, they be allowed fifty cents.

SEC. 4. *Be it enacted,* That in all cases where a report shall be confirmed as provided in the second section of Right to appeal.

this act, any person interested in the decision, shall have the right to appeal therefrom to the Circuit Court, on giving bond and security for cost, as in other cases, if the decision or decree of the County Court shall be confirmed, judgement shall be given against the party, praying the appeal, and his securities for all costs occasioned by such appeal, and after the appeal is finally disposed of, the cause shall be remanded back to the County court to be proceeded in according to the decision of the court to which the appeal was taken; *provided further*, that the taking of such appeal shall not take the Administration of the estate out of the County court, pending the appeal, but the same may be proceeded in as to every thing not touched or affected by the appeal in the same manner as though the appeal had not been taken, and in making out the record of the appeal, such portions only of the papers as are applicable to the appeal shall be transcribed.

Sheriffs and
Clerks fees:

SEC. 5. *Be it enacted*, That when the Clerks of the County Courts shall issue a *subpoena* to compel executors, administrators and guardians to appear before him and make settlement, the same shall be directed to the sheriff of the county wherein it is issued, and the sheriff shall be allowed the sum of seventy five cents for serving, and the Clerk seventy five cents for issuing said subpoena, to be paid by the person so summoned.

Administrators
duty:

SEC. 6. *Be it enacted*, That no executor or administrator, shall hereafter pay any debt or debts of the testator or intestate, until after the expiration of six months from the time the letters testamentary or letters of administration have been granted; *provided*, that when any executor or Administrator knows, or is willing to undertake, that an estate is solvent, he shall be at liberty to pay debts as heretofore, but should he pay any debt or debts within the six months, and the estate shall prove insolvent, he shall be liable to each and every creditor for his *pro rata* share of the insolvent estate.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Dec. 21, 1841.] *Speaker of the Senate.*

CHAPTER XXV.

An act to amend the charter of incorporation of the Spring Hill Female Academy, in Maury County.

SECTION 1. *Be it enacted by the General Assembly*

of the State of Tennessee, That the charter of incorporation of the Spring Hill Female Academy, be so altered and amended, that there shall be elected by the subscribers to the said Academy, not exceeding in number thirteen trustees instead of five, as is now required by law. Number of trustees.

SEC. 2. *Be it enacted*, That the subscribers to the Spring Hill Female Academy, shall on the first Saturday in January, 1842, elect by ballot, thirteen trustees for said Academy, who shall hold their office or appointment for the full term of two years, and shall have, hold and enjoy all the rights, perform all the duties, and be subject to all the liabilities that are provided for, and that are required of the trustees heretofore appointed under the several acts which this act is intended to amend, and forever thereafter such subscribers shall elect such trustees biennially. Trustees to be elected.

SEC. 3. *Be it enacted*, That in all cases where vacancies shall happen in trusteeship of said Academy, either by death, resignation or removal, shall be filled by a majority of the remaining trustees, and such trustees, when appointed, shall continue in office until the next ensuing election and shall perform the same duties, and be subject to the same liabilities as is provided for by this act, and the acts of 1837-8 and 1839-40, which this act is intended to amend. Vacancies--how filled.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Dec. 21, 1841.]

CHAPTER XXVI.

An Act to appoint Trustees to receive the donation of William Wright, deceased and for other purposes.

Whereas, William Wright, late of Montgomery county, Tennessee, hath deceased, having first duly made and published his last Will and Testament, by the fourth and fifth clauses of which, he directs that every species of property in his possession at his death, not otherwise disposed of, shall be sold, and one fourth part of the money arising from such sale, shall be given to the Tennessee Annual Conference, of the Methodist Episcopal Church, for the benefit of such Institutions of learning under the superintendence of said Conference, and to the Missionary Society of the Methodist Episcopal Church, and to be otherwise disposed of as the Tennessee Annual Conference may deem best in their wisdom," and doubts being entertained whether the

Tennessee Annual Conference can receive and administer the charity aforesaid ; Wherefore,

Trustees appointed.

Be it enacted by the General Assembly of the State of Tennessee, That A. L. P. Green, John F. Hughes, Geo. W. Dye, Jon. B. McFerrin and James G. Henning, be, and they are hereby appointed Trustees under the last Will and Testament of William Wright, deceased, late of Montgomery county, in this State, to receive the bequests in said Will, to the Methodist Episcopal Church, and to appropriate the same according to the Will and intention of the Donor, and that they have, enjoy and possess the same powers and privileges, as if they had been appointed Trustees for said purpose, by said Will.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Dec. 23, 1841.]

CHAPTER XXVII.

An act to change the time of holding the Circuit and Chancery Courts in the 7th Judicial district in this State.

Time changed.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Circuit courts in the 7th Judicial Circuit, shall hereafter be held at the following times, to wit : for the County of Robertson, on the first Monday in February, June and October; for the county of Dickson, on the third Monday in February, June and October; for the County of Stewart, on the fourth Monday in February, June and October ; for the County of Montgomery, on the first Monday in March, July and November; for the County of Humphreys, on the first Monday in April, August and December, in each and every year.

Chancery court
---time changed.

SEC. 2. *Be it further enacted,* That the District Chancery courts in said Circuit, shall be held at Clarksville, on the third Monday in March and September ; and at Charlotte, on the fourth Monday in March and September in each year.

Circuit court
---Montgomery
county.

SEC. 3. *Be it enacted,* That the circuit court for the county of Montgomery, shall sit on the second Monday in January, for the purpose of trying the criminal causes in said court, and the civil causes pending in said court, shall be adjourned over until the first Monday in March, at which time said court shall sit for the trial of causes on the civil

docket, and ever afterwards as appointed by the first section of this act.

SEC. 4. *Be it enacted*, That all recognizances and other process taken or awarded in any criminal cause which shall be pending in the circuit court of the county of Montgomery, at the January term next, shall be made returnable to the March term of said court, then next ensuing.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,
Speaker of the Senate.

Passed Dec. 28th, 1841.]

CHAPTER XXVIII.

An act for the relief of the Lagrange and Memphis Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Lagrange and Memphis Rail Road Company is hereby allowed the further time of two years, from the first day of January, 1842, to complete the main road from Memphis to Lagrange, and the branch from Moscow to Somerville.

SEC. 2. *Be it enacted*, That hereafter, five directors shall constitute a quorum for the transaction of the ordinary business of the Company.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,
Speaker of the Senate.

Passed 30th Dec. 1841.]

CHAPTER XXIX.

An act authorizing the establishment of Ferries on the Mississippi River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall be the duty of the County courts in the different counties of this State, bordering on the Mississippi river, to grant the right of ferryage across the Mississippi river to any person or persons owning the land on the East bank of the said river, without regard to any previously established ferry or ferries, upon the same terms and conditions as are now required by law.

Laws to the contrary repealed.

SEC. 2. *Be it enacted,* That any law or laws heretofore passed, coming within the purview and meaning of this act, be and the same are hereby repealed:

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed 29th Dec. 1841.]

CHAPTER XXX.

An act to incorporate the inhabitants of the town of Lynchburg, in the county of Lincoln.

Lynchburg:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Lynchburg, in the county of Lincoln, and the inhabitants within its limits, as laid down within the plan of said town, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Alderman of the town of Lynchburg, and shall have perpetual succession by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal.

May enact laws.

SEC. 2. *Be it enacted,* That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of the town, to prevent and remove nuisances, to establish a night and patrols, to ascertain where necessary the boundary and location of streets, lanes and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lanes and alleys; to provide for licensing and regulating auctions, and restrain and prohibit gaming; to provide for licensing, taxing and regulating or restraining theatrical or other public amusements and shows within the town; to pave and keep in repair the streets, and, to pass all laws necessary for the same; to establish necessary inspections within the town, to enact and regulate markets, to appoint a recorder, treasurer and town constables; to provide for the establishment of a fire company, or companies, and the sweeping of chimneys; and to erect and regulate pumps on the public square, streets, lanes or alleys; to dig water wells and to erect reservoirs; to impose and appropriate fines, penalties and forfeitures for the breach of their By-Laws or ordinances; to lay and collect taxes for the purpose of carrying the necessary measures into operation, for the benefit and advancement of said

town; to restrain tippling houses, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect: *Provided*, they are not incompatible with the constitution and laws of this State.

Sec. 3. *Be it enacted*, That the laws and ordinances of said corporation shall be in no wise obligatory upon the persons or property of non-residents of said town, being citizens of this State, unless in case of intentional violation of By-Laws or ordinances previously promulgated: *Provided nevertheless*, the property of such non-resident shall be taxed as other property of said town. Non-residents.

Sec. 4. *Be it enacted*, That all fines, penalties and forfeitures imposed by the By-Laws or ordinances of said corporation, shall be sued for and recovered as other monies are under the existing laws of the State, by the mayor and aldermen of said corporation, and for the use of the town. Fines---how collected.

Sec. 5. *Be it enacted*, That the sheriff of Lincoln County, by himself or deputy, shall hold an election at the most suitable place to be selected by him, in said town; at the first election which shall take place on the first Wednesday in January, 1842, and on the same day in each and every year thereafter, for the purpose of electing seven persons to serve as aldermen for the corporation of said town of Lynchburg, for one year, commencing on the first Monday of the same month thereafter; and all persons owning a free hold in said town; and also all persons residing in said town, who would be qualified to vote for members of the General Assembly, shall be entitled to vote for aldermen; and no person shall be eligible to the appointment of aldermen, unless he be a citizen of said town of Lynchburg. Duty of Sheriff.

Sec. 6. *Be it enacted*, That seven persons, qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be taken to be duly elected, and the sheriff of said County of Lincoln, shall, within three days thereafter, give each of the seven persons elected a certificate of his election, and it shall be the duty of the aldermen, so elected, to meet at the place where the election aforesaid was held, on the Monday next succeeding the day of their election; and any number not less than five shall be a quorum, and they shall then proceed to elect by ballot, one of their number to be mayor of said corporation for the time for which the aldermen were elected as aforesaid, and when any mayor of said corporation shall die, resign or remove out of said town, another election shall be made by the aldermen in the manner aforesaid, of another person for the time then unexpired; and when any alderman shall die, resign or remove, such vacancy may be filled by the mayor and alderman of said town, at any regular meeting, and the person How elected---their duty.

or persons so appointed, shall serve until the next election takes effect.

Town constable. SEC. 7. *Be it enacted,* That the town constable appointed by said corporation shall continue in office for twelve months from the time of his appointment, and shall, on entering on the duties of his office, give bond and sufficient security to said corporation, in its corporate name, of the mayor and aldermen of the town of Lynchburg, in a sum to be approved of by them, for the faithful discharge of the duties of his office, and to account for all monies by him collected. The recorder shall continue in office during one year, and his duties shall be prescribed, and his compensation regulated by the mayor and board of aldermen.

Mayor and Aldermen. SEC. 8. *Be it enacted,* That the mayor and aldermen shall, before entering upon the duties of their office, take an oath before some Justice of the Peace for Lincoln County, faithfully, uprightly and honestly to demean himself and themselves, as mayor and aldermen of said town during their continuance in office.

Fines--how collected. SEC. 9. *Be it enacted,* That when any tax or duty shall be imposed upon any real property lying within the bounds of said corporation, and it is not paid by the owners or occupier of the same, and there should be no personal property of such owner or occupier within the limits of said corporation, upon the same could be levied and made; then it shall be the duty of the recorder to certify the same to the Circuit Court of Lincoln county, at the time to which the sheriff of said county is required to report land in his county on which the county or State tax has not been paid, and upon said report at said term, it shall be the duty of the Circuit Court to enter judgement for the tax due said corporation, in the same manner that judgements are required to be entered for the non-payment of tax due the county and State upon lands lying in said county, and the same shall be sold at the same time, and in the same manner, and subject to the same rules, regulations and restrictions that are by law required for the sale of lands within said county, for the payment of the county and State tax; which tax when collected as provided for in this section, shall be paid by him into the hands of the town constable for the use of said corporation, and which sale, when made in the manner aforesaid, shall vest the same right and title to the purchaser, as if the sale had been made for taxes due the county or State.

Election. SEC. 10. *Be it enacted,* That after the first election herein provided for, the mayor and aldermen of said town may select the place within the corporation at which to hold the election of mayor and aldermen, and that said mayor

and aldermen may fix the times and places within said corporation of holding their meetings at their discretion.

SEC. 11. *Be it enacted*, That the town of Sparta, in the county of White, is hereby incorporated with the same provisions and under the same rules, regulations and restrictions as is provided in this act incorporating the town of Lynchburg, in the county of Lincoln. Sparta

SEC. 12. *Be it enacted*, That the town of Germantown, in the county of Shelby, is hereby incorporated with the same provisions; and under the same rules, regulations and restrictions as is provided in this act incorporating the town of Lynchburg, in the county of Lincoln. Germantown

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TUUNEY,

Speaker of the Senate.

Passed Dec. 23, 1841.]

CHAPTER XXXI.

An act to suppress illegal voting.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any person shall knowingly vote at any election that shall be held for President, Vice President, members of Congress, members of the State Legislature, Sheriff, Clerk of the Circuit Court, Clerks of the County Court, Register, County Trustee, Justice of the Peace, Constable, or for any one or more of said officers, or at any election that shall be held under the Constitution and laws of this State, such person not being at the time a qualified voter of the County in which he so votes, shall be adjudged guilty of a misdemeanor, and upon conviction upon indictment or presentment in any Court having jurisdiction thereof, be punished as in other cases of misdemeanor. Illegal Voting.

SEC. 2. *Be it enacted*, That if any person shall knowingly vote in any election for Justices of the Peace and Constables, or either of them, or in any election in which the voters of a Civil District, or portions of the voters of any county only are entitled to vote, such person not being a qualified voter of such Civil District or portion of the County in which he so votes, shall be guilty of a misdemeanor, and upon conviction, shall be punished as in other cases of misdemeanor. District elections.

SEC. 3. *Be it enacted*, That if any person shall vote

Voting more than once. more than once in the same election either in the same, or different Counties or Civil Districts, such person shall be adjudged guilty of a misdemeanor, and upon conviction be punished as in other cases of misdemeanors.

Fictitious name. SEC. 4. *Be it enacted*, That if any person shall vote under any assumed or fictitious name, whether such person be a qualified voter or not, such person shall be adjudged guilty of a misdemeanor, and upon conviction, be punished as in other cases of misdemeanors.

Duty of officer holding election. SEC. 5. *Be it enacted*, That it shall be the duty of every officer holding any election, or some Justice of the Peace, before opening the polls, first to administer to the Judges appointed to hold such election, the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be) that as Judges of this election you will suffer no one to vote whom you may know of your own knowledge, or who may appear either by his own oath, or by the testimony of others, not to be a qualified voter: that you will not suffer the *Ballot Box* to be out of your presence and sight, unless it be left in the immediate care of one of your fellow Judges, until every vote is counted out, and that you will faithfully and impartially conduct yourselves as Judges of this election, and you will in all respects perform the duties imposed upon you by law as Judges and Inspectors of the election—SO HELP YOU GOD.

Judges authorized to administer oaths. SEC. 6. *Be it enacted*, That all Judges presiding at elections; and all officers holding elections, or any Justice of the Peace, when so directed by said Judges, or a majority of them, shall be authorized to administer oaths to ascertain the qualification or right of any person who may offer to vote at any election, and if any person shall offer to vote, and none of the Judges know that he is a qualified voter, or if his vote shall be objected to by any candidate or other citizen of this State, it shall be the duty of the Judges of such election or some one of them, or the officer holding such election under the direction of the Judges, or a majority of them, to administer an oath or affirmation in the following form or to the following effect: "You do solemnly swear (or affirm as the case may be) that you will true answers make to such questions as may be asked you touching your qualification or right to vote in the present election—SO HELP YOU GOD." The Judges or some one of them, shall then ask the person offering to vote the following questions: "Are you a citizen of the State of Tennessee?" "Are you twenty-one years of age?" "Do you reside in this County?" "Has your home been in this County six months next before this day (the day of holding the election.)" "Have you voted at any oth-

er time or place in this election?" which questions being asked and answered, and any other that the Judges may think material to ascertain the qualification of the person offering to vote; if the Judges, or a majority of them, are satisfied that such person is a citizen of this State, that he has attained the age of twenty-one years; that he has had his home in the County in which he may offer to vote six months next preceding the day before such election; and that he resides therein, and that he has not voted before at the same election, and that he is otherwise a qualified voter, the Judges shall thereupon receive his vote, but before they receive his vote, if they or any one of them shall have reason to suspect that the person offering to vote has sworn falsely, they, or the officer, or some Justice of the Peace under their direction, may swear any by-stander as to the right and qualification of such person to vote, and in all elections for Justices of the Peace and Constables, or any other election in which a Civil District or a portion of the voters of any County only are entitled to vote, the Judges of such election shall be satisfied that the party offering to vote, is a qualified voter, not only of the County, but of the Civil District or such portion of the County in which he may offer to vote, and said Judges shall have power to investigate him on oath accordingly.

SEC. 7. *Be it enacted*, That in any of the foregoing ^{Perjury.} cases, where an oath or affirmation shall be administered, if any person to whom an oath or affirmation has been administered, shall swear or affirm, knowingly, willfully and falsely, to a fact material to the point in question, such person shall be deemed guilty of perjury, and upon conviction on indictment, or presentment in any court having jurisdiction thereof, be punished as in other cases of perjury.

SEC. 8. *Be it enacted*, That if any officer holding an ^{Duty of officer.} election, shall fail, neglect or refuse to administer the oaths, or any one of them required by this act, such officer shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished as in other cases of misdemeanors.

SEC. 9. *Be it enacted*, That if any officer, appointed ^{Penalty for setting aside Judges.} to hold an election, shall set aside the Judges, or any one of them regularly appointed to preside at such election, or shall fail or refuse to administer the oath required by the fifth section of this act, they being there present, willing, and not incompetent to serve as Judges of such election, such officer shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished as in other cases of misdemeanors.

SEC. 10. *Be it enacted*, That it shall be the duty of ^{Duty of Judges.} the Judges at every election, to preserve the poll books, or

list of the names of the voters, which shall be kept by their respective Clerks, which shall be certified by the Judges, or a majority of them, under their hands, to contain a true list of the voters at their respective places of holding elections, which certificate shall be attested by the Clerks and officers holding the elections, and the Judges shall, within ten days after said election, cause one copy or set of them to be filed with the Clerk of the circuit court, and another copy with the Clerk of the county court of the county in which such election shall be held, and such books, or lists, or copies thereof, certified by the Clerk who shall have custody of the same, shall be considered records, and be received as evidence in any case arising under this act, subject to be impeached by other testimony, and if the Judges aforesaid shall fail to return the poll books or list of voters, or copies thereof, certified as aforesaid, the same may be proved by other credible testimony, and received as evidence in any case arising under this act.

Oath taken by
Clerks.

SEC. 11. *Be it enacted*, That the Clerks of the different elections shall also take the following oath: "You do solemnly swear or affirm (as the case may be) that you will faithfully, truly and impartially discharge your duty as Clerks of this election,—**SO HELP YOU, GOD;**" which oath shall be administered by the person administering the oath of office to the Judges and inspectors of the election, or by one of the Judges themselves, and it shall be the duty of the Clerks at elections to keep a fair list or book of the names of the voters voting at such election, and shall attest the correctness thereof, under their hands, as provided in the preceding section of this act.

Judges and
Clerks.

SEC. 12. *Be it enacted*, That if any of the Judges and aforesaid, Clerks at elections, or officer holding the same, shall violate any of the provisions in the tenth and eleventh sections of this act, or any other provisions of this act, he or they shall be guilty of a misdemeanor, and upon conviction, shall be punished accordingly.

Penalty for un-
lawfully putting
in or taking out
a ticket.

SEC. 13. *Be it enacted*, That if any person shall fraudulently or unlawfully take any ticket out of the ballot box after the same shall be received, or shall fraudulently or unlawfully put any ticket into the ballot box, such person shall be guilty of a misdemeanor, and shall, upon conviction, be punished as in other cases of misdemeanors.

Duty of Circuit
Court Judges.

SEC. 14. *Be it enacted*, That it shall be the duty of the Judges of this State to give this act in charge to their respective Grand Juries, whose duty it shall be to present all such offences against this act, as may come within their knowledge; and it shall be the duty of all Grand Juries to make diligent enquiry concerning all offences committed in viola-

tion of this act, and when they shall have a well grounded belief that such offence or offences have been committed by any person or persons within their counties, they shall have full power, and it is moreover hereby, made their duty, to apply for a *subpœna* or *subpœnas* for the Judges or Inspectors, Clerks or officers holding such elections, or any one of them, as a witness or witnesses, whom they may believe to have any knowledge of said offence or offences, and such witness or witnesses, when he or they shall regularly appear before the Grand Jury, shall give evidence of such offence or offences in violation of this act, as may be known by him or them, or any knowledge they may have in relation thereto, and it shall be the duty of all Judges and Inspectors of elections, to give information of, and prosecute, or cause to be prosecuted, and bring to punishment, all persons who may be guilty of a violation of this act, and no prosecutor shall be necessary on any indictment under this act, and when any person without his own contrivance or procurement, shall be sent as a witness to give evidence, and is examined before any Grand Jury in this State, against any person or persons for offences under this act, it shall not be lawful for the person or persons against whom such evidence shall have been given, to be thereafter summoned or used as a witness before any Grand Jury or Petit Jury in order to give evidence against any such witnesses, when on trial for any offence under this act, committed previous to the time of his being used as a witness as aforesaid.

SEC. 15. *Be it enacted*, That when any person who is Naturalization. not a native born citizen of the United States, shall offer to vote, and his vote is objected to, he shall produce a certified copy of the record of his naturalization, which record shall show that the person has been declared by a competent Court, a citizen of the United States, if the same is in his possession, or, if not, then he may be examined as to his naturalization, and if the Judges shall be satisfied from his examination, and other oral testimony, (if any is offered,) that the party offering to vote is naturalized, they shall receive his vote accordingly. In like manner, the party offering to vote, may be examined as to his naturalization where he produces the copy of the record of his naturalization, and the same is objected to on account of authentication.

SEC. 16. *Be it enacted*, That the vote of no person shall be received out of the County in which he may reside, No person to vote in any but his own county. but if any person shall go out of the County for a definite purpose, not intending to change his home, and shall return on or before the day of election, he shall be considered a resident citizen of the County, and shall be entitled to vote, and where any citizen has a fixed residence in a County,

the same shall continue to be his residence until he shall change the same to some other county or State.

Betting on elections.

SEC. 17. *Be it enacted*, That whoever shall bet on any election in this State, shall be guilty of a misdemeanor, and may be indicted or presented therefor, under the provisions of this act, and on conviction, be punished as in other cases of misdemeanors; *Provided* that all prosecutions under this section, shall be instituted within six months after the termination of the election upon which the bet may have been made, and not afterwards.

Act of 1796 repealed.

SEC. 18. *Be it enacted*, That the 7th section of the act of 1796, chapter 9, be, and the same is hereby repealed, and all laws coming within the purview of this act, are hereby repealed.

SEC. 19. *Be it enacted*, That if any person or persons should be found guilty of aiding in the bringing, or cause to come or to be brought, fraudulent voters into this State, for the purpose of practising a fraud upon the elective franchise, such person or persons, so found guilty, in any Court having cognizance thereof, shall be sentenced to undergo confinement in the Penitentiary of this State, for a term of time not less than two, nor more than five years.

Fraudulent voting.

SEC. 20. *Be it enacted*, That the officer and Judges appointed to hold any election in this State, shall not proceed to or commence counting out the votes given in at said election, until the polls shall have been closed.

BURCHETT DOUGLASS.

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Dec. 29, 1841.]

CHAPTER XXXII.

An act to charter the Sevier county Turnpike company:

Duty of officers. Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Ogle, Senr., Andrew Pearce, Robert Shealds, Geo. W. Cowan, William Catlet, Ira M. Hill, Allen S. Bryan, Jesse Langston and William Thompson of the county of Sevier, be, and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions, to the amount of twenty-five thousand dollars, to be applied to the purpose of making a Turnpike road from the northern termination of the Smoky mountain Turnpike road in Sevier county, to some point on

the most practicable, leading route from that place to the Cumberland gap, which said point shall be designated by the President and Directors of said company hereafter to be elected by the stockholders, but which said point shall at least be below the Pigeon river mountains on said route.— The said capital stock of twenty-five thousand dollars, shall be divided into shares of twenty-five dollars each; and as soon as the sum of five thousand dollars shall be subscribed, a meeting of the stock holders shall be held at Sevierville, in Sevier county, of which twenty days notice shall be given in some newspaper printed in Knoxville, after which first meeting the stockholders shall be, and they are hereby constituted a body politic and corporate, by the name of the Sevier county Turnpike company; and together with those who may afterwards subscribe for or purchase stock, shall so continue and may own, sell and buy property sufficient for all the purposes of said road; may sue and be sued in their corporate name and character, and have, enjoy and possess all the rights, privileges and powers appertaining to bodies corporate and politic, by law, and shall have succession for thirty years. The subscribers, or a majority of them, in interest, at their first meeting, shall elect seven Directors, who shall elect one of their number President of the Board of Directors, who shall continue in office for two years and until others are elected and qualified to fill their places. The President and Directors shall have power to open books, and receive subscriptions as they may think best for the remainder of their stock necessary to complete said road.

SEC. 2. *Be it enacted*, That there shall be a meeting of the stockholders once every year at such time and place as Stockholders' meeting. they at their different meetings may designate and appoint.

SEC. 3. *Be it enacted*, That it shall be the duty of said Commissioners, or any two of them, to open books for Commissioners to open books. subscriptions at the county seat in the county of Sevier, and at such other places as they may think proper, on the first Monday in April, 1842, giving twenty days notice thereof in some newspaper printed at Knoxville, and shall keep said books open for ten days at least, successively, Sundays excepted, and should the amount required to be subscribed not be taken within ten days from the time of opening said books, then it shall be the duty of said Commissioners to continue to receive subscriptions until the whole amount is taken up, or at least a sufficiency to make said road.

SEC. 4. *Be it enacted*, That each subscriber shall pay the down to said Commissioners, at the time of subscribing, the sum of one dollar on each share, the balance of said subscription, or any part thereof, may be paid in work and labor Subscribers.

on said road: *Provided*, any subscriber, wishing to pay in work, will undertake, and bind him, her or themselves, to make any certain portion of said road, which may be agreed on, as low as any other person, not a subscriber, will undertake and bind him, her or themselves to do the same work.

Duty of directors. SEC. 5. *Be it enacted*, That the president and directors of said company shall be, and they are hereby vested with all the powers and rights necessary for the building, constructing and keeping in repair said road, according to the law governing first class roads in this State, of which description of roads, the president and directors shall cause said road to be made, and the whole stock, and property of said road, and the profits arising therefrom, shall be vested in the respective stockholders, their heirs, executors, administrators and assigns, in the proportion of their respective shares.

Toll gate. SEC. 6. *Be it enacted*, That when said road is completed, and made equal to a first class road, according to the laws of Tennessee, as contemplated by the foregoing section of this act, the said president and directors shall be authorised to erect one toll gate on said road, at any point they may think proper, and shall be authorised to collect the same rate of toll that James Vaughn and James Gormly were by their charter, passed the 2nd day of November, 1839, authorised to charge; *Provided*, no person shall be required to pay toll who resides in the county of Sevier, or who may be going or returning in the prosecution of neighborhood business, or who may be going or returning from mill, muster, court, black-smith shop or church.

Right of way. SEC. 7. *Be it enacted*, That said company shall be vested with full power and authority to select their right of way on which to locate said road, and when any individual, through whose land it may be laid out, shall be dissatisfied, the company shall not thereby be prohibited from making said road through such lands but three disinterested freeholders shall be chosen by the county court of Sevier county, who upon oath shall assess damages to the objecting party, for the amount of damages they may believe he, she or they will sustain by said road, always taking into consideration the probable advantage of said road to said individual, for which amount of damages, thus assessed, the company shall be liable to the individual, or individuals, and which may be collected as other debts, before any court or Justice of the Peace having jurisdiction thereof, which said suit or suits shall run in the name of the party injured, against the president, directors and company of the Sevier county Turnpike company, and service of a precept upon the president, or any one of the directors shall be sufficient.

SEC. 8. *Be it enacted*, That the president and directors of Sevier county Turnpike company, are hereby authorised to purchase of the late board of common school commissioners of Sevier county, or such person or persons, as may be by law, authorised to settle the business of said board, or their successors, the charter and stock of the Smoky Mountain Turnpike company, owned by said common school commissioners, for the use of the common schools of said county, and the said common school commissioners, or person or persons appointed by law, to settle said business, be, and they are hereby authorised to sell said stock to the Sevier Turnpike company, for such price as may be agreed upon between the parties, having due and proper regard to the interest of the common schools, and if said sale should take place, the Sevier county Turnpike road shall commence at the southern extremity of the Smoky Mountain Turnpike, on the top of Smoky Mountain, and extend northward to the termination, as provided for in the first section of this act.

May purchase
Smoky mountain
turnpike.

SEC. 9. *Be it enacted*, That should the parties authorised to contract in relation to the purchase and sale of the Smoky Mountain Turnpike stock, not be able to agree, the said parties be, and they are hereby authorised to unite the stock of the two companies, so as to make the work joint in its operations, and in that case the common schools of said county, shall be entitled to receive an amount of the profits of the road, corresponding with the amount of stock in said road, belonging to said schools, the amount of profits thus accruing to the schools shall be paid to the county trustee, and by him be distributed to the several school districts in said county, according to the scholastic population of each, as is prescribed by law in relation to other common school moneys.

May unite the
two companies.

SEC. 10. *Be it enacted*, That should a sale of the Smoky Mountain stock, take place, as contemplated by the 8th section of this act, or an union between the two companies be agreed upon, as contemplated in the 9th section, then, and in that case, the charter of the Smoky Mountain road shall continue for as long a period of time as that granted to the Sevier county turnpike company, in the first section of this act.

Continuation of
charter.

SEC. 11. *Be it enacted*, That said company shall not be authorised to erect more than one gate in every twenty-five miles distance.

Number of gates

SEC. 12. *Be it enacted*, That the stock or shares of the same, may be transferred from one to another, by an assignment upon the books of the company, and the balance of the amount of subscription after the first payment, shall be paid at such time as the president and directors of the company

Stock may be
transferred.

may call for the same, for the use of the company, in the prosecution of said work.

Charter to be
null.

SEC. 13. *Be it enacted*, That should the work not be commenced within two years, and completed in five, then, and in that case, the charter shall be null and void.

Duty of the
County court.

SEC. 14. *Be it enacted*, That when said road shall have been completed, it shall be the duty of the county court of Sevier county, on the application of said company, to appoint three disinterested persons to examine said road, and ascertain by actual observation, whether it be completed in conformity with the provisions of the charter, and on said persons so appointed, certifying in writing, under their hands, that said road has been so completed, said companies shall have power and authority to demand and receive the tolls herein before stated: *Provided*, said persons appointed for the aforesaid purpose, shall once in every six months, examine said road, and in case the same shall be found to have been two weeks out of repair, the said persons shall then set said toll gate or toll gates open, which shall not be closed until said persons give their written certificate, to said company, of its being put in repair, under the penalty of one hundred dollars, to be recovered at the suit of the State; and *Provided further*, that in the event, one, two or all of said persons shall refuse to act, die or resign, or remove out of said county, the county court shall proceed to elect another, or others, as the case may be, and the said persons shall be entitled to receive from said company, the sum of one dollar per day; while engaged in the services required of them under this act.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Dec. 23, 1841.]

CHAPTER XXXIII.

An act to make compensation to Robert Tunnell, late Surveyor of the Hiwassee District.

Duty of Treasurer.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of the State of Tennessee, upon the warrant of the Comptroller of the Treasury, pay to Robert Tunnell, late Surveyor of the Hiwassee District, for running and marking the line between the Hiwassee and Ocoee Districts, in pursuance of a resolution of the General Assembly of this State, adopted January 23d.,

1838, the sum of thirty-five dollars, out of any money in the Treasury, not otherwise appropriated.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNER,

Speaker of the Senate.

Passed Jan. 7, 1842.]

CHAPTER XXXIV.

An Act to carry into effect an act of Congress, passed and approved the 18th day of February, 1841, authorizing the State of Tennessee to perfect titles to the vacant and unappropriated lands South and West of the Congressional reservation line in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in obedience to an act of Congress, passed the 18th day of February, 1841, conferring on this State an agency as therein stipulated, that the said State hereby accepts the agency as aforesaid, under the rights and restrictions therein contained. Agency accept- ed.

SEC. 2. *And be it further enacted,* That the land offices in the counties, severally, South and West of the Congressional reservation line and North of Winchester's line, shall be opened on the first day of July next, and remain open for entries and reservations, under the provisions of this and former acts of the Legislature of this State. Land offices to be opened.

SEC. 3. *And be it further enacted,* That the land offices severally shall be opened by the county Entry-takers elect, at the county sites thereof, and be kept there, provided they comply with the requisitions hereinafter prescribed by this act; but should they fail or refuse to comply, they are hereby declared incompetent: and in any such case the office shall be considered vacant, and it shall be the duty of the county courts, a majority of the acting Justices of the Peace being present, to proceed forthwith to fill said vacancy as prescribed by law. It also shall be the duty of the county court as aforesaid, in any of the counties where there may now be a vacancy, or a vacancy hereafter occurs, of Entry-taker or Surveyor, to proceed immediately to fill all such vacancies; and in case any of the present Entry-takers shall fail to comply with the requisitions of this act, they shall hand over all the books and papers belonging to their office to their successors. Where to be kept. Vacancies—how filled.

SEC. 4. *And be it further enacted,* That before opening said land offices, it shall be the duty of the several Entry-takers to make out a complete map or plan from the survey. Duty of Entry-taker.

books, at a scale of 200 poles per inch, fairly representing all the entries heretofore made in the county; on which they shall represent all entries made under the provisions of this act. Should there already be a plan in any of the counties, made out as aforesaid, it shall supercede the necessity of a new one. And the Entry-taker shall receive the sum of one hundred and fifty dollars for completing a plan as aforesaid, out of the proceeds of the sales of said vacant lands.

May enter vacant land.

SEC. 5. *And be it further enacted*, That all persons entitled to any of the vacant and unappropriated lands South and West of the Congressional reservation line, as occupant or pre-emption rights, by this or any former acts of the Legislature of this State, shall have the preference and priority of entry for the whole term of four years, from the opening of said land offices; and may at any time within the term of four years, enter their claim or claims, or any part thereof, by paying to the Entry-taker twelve and one half cents per acre, which shall be received in such currency as is by law received in payment of taxes. And if any person who now, or may hereafter be entitled to any right of occupancy, under this or any former act of the Legislature of this State, shall not, within the term of four years, enter his occupant claim according to the provisions of this act, it shall not be lawful for any other person to make any entry upon the land claimed by such occupant, without first paying such occupant the value of any improvements made by such occupant on the land; which value shall be ascertained and determined by two disinterested freeholders of the county where the land lies, one of whom shall be chosen by each party; and if the two freeholders so chosen, cannot agree, it shall be lawful for them to call in a third disinterested freeholder, who shall act as umpire; and the decision of the said freeholders as to the value of said improvements shall be final and conclusive upon the parties.

Rightful owner.

SEC. 6. *And be it further enacted*, That all persons who may be residing on any vacant lands, by himself or tenant, South and West of the Congressional reservation line, who are entitled to enter lands under the occupant laws of this State, shall be considered the rightful owner, unless the contrary be properly shown in a court of justice that has cognizance of the same.

Want of formality.

SEC. 7. *And be it further enacted*, That the rights of no person shall be affected by the informality or want of transfers, or other title papers, or in case any person may have sold, or hereafter may sell, their occupant claim or claims or any part thereof, and shall fail or refuse to transfer the same to the purchaser, or purchasers; the purchaser in any such cases may file with the Entry-taker the affidavit of

two respectable witnesses proving said bargain and sale, and that the purchaser has complied on his part with the contract. In all such cases the Entry-taker being convinced of the justice of such claim, shall transfer the same to the rightful owner or owners, for which services he shall receive the sum of fifty cents from the person applying for the same; and the further time of two years is hereby given from the passage of this act to all persons entitled to occupant claims by the laws of this State, in which they may have their claim or claims surveyed and represented on the plan of the county in which the land lies, and they shall be protected, as heretofore, by the laws of this State.

SEC. 8. *And be it further enacted,* That where any person may now be the owner, or hereafter become the owner or owners of any *bona fide* land warrant or warrants, legally adjudicated by the authorities of this State, he, she or they may have allowed them one year from the opening of said land offices, to locate the same on any of the vacant and unappropriated lands as aforesaid, not owned as pre-emption or occupant rights, provided for by this and former acts of the Legislature of this State—and in perfecting grants for the same, they shall be governed, in all respects, by the laws in force in such cases. But should they fail to avail themselves of the privilege of appropriating such land warrants, or certificates, by locating the same in the time specified by this act, they shall forever thereafter be barred; and are hereby allowed the further time of one year, in which he, she or they may present any such warrants, or certificates, adjudicated as aforesaid, to the Comptroller of this State; and the Comptroller is hereby authorized and required to pay to the holder or holders thereof the sum of twelve and one-half cents per acre for each acre contained in such warrant or certificate, for which amount the Comptroller is hereby authorized to draw on the Treasurer of this State: *Provided*, the Comptroller shall not pay in satisfaction of said warrants or certificates any other or more money than shall be received and accrue from the proceeds of said land into the Treasury of the State. And all warrants and certificates not presented at the Comptroller's office within one year from the first day of July, in the year 1843, shall be forever thereafter barred from all further consideration whatever, as provided by said act of Congress.

Owners of land warrants.

SEC. 9. *And be it further enacted,* That after the expiration of one year allowed the warrant-holder to appropriate his warrant or certificate as provided by the foregoing section, all and every person or persons who may desire to enter any of said vacant or unappropriated lands, not claimed by occupant or pre-emption rights under the laws

Time allowed.

of this State, shall cause the same to be surveyed by the County Surveyor or his deputy, in which the same may lie; or if it should lie in more than one county, then by the Surveyor of the county in which the beginning corner may be. And it shall be the duty of the Surveyor to make out and return to the Entry-taker a plat of the same with a location corresponding; which upon the receipt of twelve and one-half cents per acre, the Entry-taker shall receive and record the same as in other cases: the title to which shall be perfected under the same rules and restrictions as provided for the occupant claims under the provisions of this act.

SEC. 10. *And be it further enacted,* That all persons who may desire to enter any of said lands as provided for by this act, shall tender to the Entry-taker a location after the following form to wit: "State of Tennessee, _____ county. A. B. enters _____ acres of land by virtue of _____ dollars, in hand paid, situate in the county aforesaid, in _____ range _____ section, beginning at _____ running (as the case may be) _____ day of _____ C. D. Locator." Which location shall be filed by the Entry-taker twenty days before recording the same; after which time, should no person or persons, file just reasons in writing why said entry should not be made, then the Entry-taker shall proceed to record the same forthwith in a well bound book. But should any just reason be filed with the Entry-taker, why such entry should not be made, he shall not record the same until the dispute shall be settled, as hereafter provided for. When any dispute may arise, it shall be the duty of the person or persons, who may consider themselves aggrieved, to notify the County Surveyor, or his deputy, whose duty it shall be to proceed to settle the same, in the manner prescribed by the laws now in force in such cases. When the dispute may arise in consequence of encroachments; where any person or persons, may have intruded on any person's claim, equally entitled, without notice, and caused the Surveyor to pass any conventional lines; or where two surveys may clash made heretofore, all original conventional lines and agreements shall be regarded as valid; and any survey that may have passed, or may hereafter pass any such lines shall be curtailed.

SEC. 11. *And be it further enacted,* That all plats of surveys heretofore made out by any of the legal Surveyors South and West of the Congressional reservation line in this State, shall be recognised by this act as valid, and shall supercede the necessity of a re-survey, unless the owner or owners may desire to alter the same, which he, she or they may do, provided they do not affect the rights of any other person.

SEC. 12. *And be it further enacted*, That the Entry-takers severally, shall keep a well bound book in which they shall record all plats of surveys immediately after the entry is recorded on which said plat shall be founded, and he shall receipt on the back of all such plats the amount of money received by him for the entry of the same; which shall be sufficient authority for the Register of the Western District to issue grants upon, and it is hereby made the duty of said Register to issue grants on all such plats forthwith for which he shall receive from the person applying for the same, the sum of one dollar thirty-seven and one-half cents, in full of his fee, as well as the fee of the Secretary of State; and it shall be the duty of the Register to cause all such grants to be forwarded to the Secretary and Governor with thirty-seven and one-half cents on each, as the fee of the Secretary; and it shall be the duty of the Governor and Secretary of this State to complete all such grants, in manner and form heretofore prescribed by law, and return the same to the Register aforesaid forthwith.

Duty of Entry
Takers.

SEC. 13. *And be it further enacted*, That it shall be the duty of the Clerks of the circuit court in each of the counties South and West of the Congressional reservation line, to examine the books of the Entry-taker in their county respectively, in the month of January, annually, and report to the Comptroller of this State in the same month, the number of acres entered and the amount of money received by such Entry-taker in payment for all lands in his office under the provisions of this act; for which services the Clerk shall receive two dollars per day, to be deducted out of the proceeds of the sales of said vacant lands; and the receipt of the Clerk shall be a sufficient voucher with the Entry-taker in his settlement with the Comptroller. The cost of the record books necessary to be kept by the Entry-taker shall be allowed to them out of the proceeds of the sale of said land, in their settlement with the Comptroller.

Duty of Cir-
cuit Court Cl'ks

SEC. 14. *And be it further enacted*, That the Entry-takers and Surveyors in the several counties in which said lands lie, shall be entitled to demand and receive the same fee for their services, as is now allowed by law, and no other or higher fee, except the Entry-takers, who shall be entitled to four per cent. on the amount of money by him received in payment for said vacant lands, which shall be deducted from the amount so received in their settlement with the Comptroller as hereinafter prescribed.

Entry Takers
and Surveyor's
fee.

SEC. 15. *And be it further enacted*, That it shall be the duty of the Entry-takers, severally, before entering on the discharge of their duties, as prescribed by this act, and

they are hereby required to enter into bond, payable to the State of Tennessee, with good and sufficient security, in the sum of twenty thousand dollars, conditioned for the faithful performance of their duties, severally, as required by this act, and for their fidelity in accounting for and paying over, the money by them received in payment for said land; and shall moreover take and subscribe the following oath, to wit: I, A. B. do solemnly swear (or affirm as the case may be,) that I will faithfully and honestly discharge all the duties appertaining to my office as Entry-taker for — county, as directed by law, to the best of my skill and ability; and that I will faithfully and honestly account for, and pay over all monies by me received in payment for any land entered in my office, as required by law, SO HELP ME GOD.

Further duty
of Entry Takers

SEC. 16. *And be it further enacted,* That the Entry-takers be, and they are hereby required to account for all moneys by them received in payment for said vacant lands, to the Comptroller of the State, at the time of his annual visit to Jackson, for the purpose of settling with the Sheriffs and others, and it is hereby made the duty of the Comptroller, to audit and settle the accounts of said Entry-takers, and by warrant certify the same to the Treasurer of this State, the amount due from each of them on account of moneys received by them in payment for said lands; which amounts said Entry-takers shall pay over to the Treasurer of this State on the first Monday in June, in each and every year.

Duty of Comptroller.

SEC. 17. *And be it further enacted,* That in case any Entry-taker shall fail, or neglect to settle his account, as directed by this act, for one month after the time specified for that purpose, it shall be the duty of the Comptroller to report such delinquent Entry-taker to the Attorney General in whose district he may reside; and it is hereby made the duty of the Attorney General in such cases, to move against such delinquent and his securities for the amount ascertained to be in his hands, and unaccounted for as aforesaid, at the next, or any subsequent term of the Circuit court for the county in which said delinquent Entry-taker may reside; and the court shall have power to enter judgment immediately against said delinquent and his securities, for the sum ascertained to be in his hands as aforesaid, and award execution forthwith.

Liability of Entry Taker.

SEC. 18. *And be it further enacted,* That if any of said Entry-takers shall embezzle or fail to pay over any moneys by him received, under the provisions of this act, and be thereof convicted, he shall be deemed guilty of felony, and shall undergo confinement in the public jail or Penitentiary house of this State, for a period not less than two

nor more than ten years. And it is hereby made the duty of the several Attorneys General, South and West of the Congressional Reservation line, to prosecute all such offenders by indictment *ex officio*; and shall on conviction of the offender, in all cases, be allowed the same tax-fee as is now allowed by law for prosecuting felonies of a similar grade.

SEC. 19. *And be it further enacted*, That it shall be the duty of the Treasurer of this State, to account for, and pay over to the Bank of Tennessee, all monies received as aforesaid, subject to the order of the Treasurer of the United States, in the month of January annually, after the time allowed for funding, and satisfying the land warrants that may be presented, as provided by said act of Congress; then the balance and residue, after deducting the amount paid for land warrants, shall be paid over as aforesaid. Duty of Treasurer of the State

SEC. 20. *And be it further enacted*, That it shall be the duty of the Comptroller, to report to the General Assembly, at the commencement of each regular session, the amount received, and the amount of moneys due from the several Entry-takers according to the settlement of their accounts with him; and it shall also be the duty of the Treasurer to report to the General Assembly at the commencement of their regular session the amount received from said Entry-takers, and the amount paid over for land warrants under the provisions of this act. Also the amount paid over to the Bank of Tennessee—and shall exhibit the receipt of the cashier of said Bank. Duty of Comptroller.

SEC. 21. *And be it further enacted*, That each Entry-taker who may be required to make out a map or plan, as required by this act, may retain in his own hands, the amount allowed in the fourth section of this act: *Provided*, such plan shall be laid before the Clerk of the Circuit court for such county, and by him examined and reported to be as the law requires; and his certificate shall be a sufficient voucher with such Entry-taker in his settlement with the Comptroller. Entry Taker may be required to make out a map.

SEC. 22. *Be it further enacted*, That the Entry-taker on the East side of Tennessee river, in Perry county, shall be authorized to keep his office where it now is, or as near the centre of said East side as is convenient, and be under the same rules as is prescribed in such cases made and provided for.

SEC. 23. *Be it enacted*, That in case any person or persons, or his legal representatives may have been entitled to any of the vacant or unappropriated lands as aforesaid, by occupant or pre-emption rights, and may have abandoned the same by removing to any other Government or State,

without transferring or selling said claim or claims, it shall be subject to entry as other unappropriated lands; and any person being in possession of any such lands at the passage of this act, shall be entitled to the same rights as other settlers.

SEC. 24. *Be it enacted,* That when the lines of any of the counties South and West of the Congressional reservation line are so defaced or indistinct that they cannot be plainly shown, or where such lines may have been partially run and not completed by actual survey, it is hereby made the duty of the county surveyor of such counties forthwith to survey [such lines] as are defaced or indistinct, or as may have been partially run, and not complete according to the original boundaries of such county, and return a plat and certificate of such survey to the Entry-takers, and county courts of the counties so surveyed; and it is made the duty of the Entry-taker of such county to pay the expense of the same out of the proceeds of the sales of the lands, and the receipt of the surveyor for such expense shall be a good voucher with the Entry-takers in their settlement, which plats and certificates shall be respectively recorded by the county courts, in the clerks office and Entry-takers of said counties.

SEC. 25. *Be it enacted,* That the Entry-takers of the counties of Lawrence, Hickman, Wayne, Giles and Maury, shall account for all moneys by them received in payment for said vacant lands, to the Comptroller of the Treasury, of the State, at the city of Nashville, upon the first Monday of September, in each and every year; which accounts of said Entry-taker, the Comptroller shall audit and settle, and shall by warrant certify the same to the Treasurer of the State; and the said Entry-taker shall forthwith pay over to said Treasurer of the State, the amount of money received by them respectively, in payment for said vacant land, and in default thereof, shall be liable to all the penalties of the 17th section of this act; and for all the vacant lands in the counties of Lawrence, Hickman, Wayne, Giles and Maury, grants shall be issued by the Register of Middle Tennessee, under the same rules and regulations and for the same fees that grants are required to be issued in the 12th section of this act by the Register of the Western District: *Provided,* That the citizens of the counties of Perry and Hardin shall have the option of getting their grants either from the Register of Middle Tennessee or of the Western District.

SEC. 26. *Be it enacted,* That where any person shall be the lawful owner of more than one occupant claim which has heretofore been plainly marked out and surveyed, and spread upon the general plan of said county, and the same

shall be adjoining to each other, it shall be lawful in paying for the same and perfecting a grant, to enter such occupant claims in one entry, and the Entry-taker shall make out a plat for the same, for which he shall receive the sum of fifty cents, and this shall supercede the necessity of any other survey.

SEC. 27. *Be it enacted*, That all and every person or persons who, at the passage of this act, is an actual, *bona fide* resident upon any vacant and unappropriated land South and West of the Congressional reservation line, or who may become such within the further term of four years thereafter, shall be entitled to an occupant or pre-emption right in the same manner, and under the same rules and regulations as other occupants heretofore provided for by law; and shall be protected in their preference of entry as other occupant claimants provided for in this and former acts of the General Assembly of this State.

SEC. 28. *Be it enacted*, That in all cases when the real or colorable owner of any small tract of land, held by deed, grant or entry, may heretofore have had, or may hereafter have an extension run out and attached to the same, under the occupant laws of this State, which extension, at the time it was, or shall be made, did, or shall interfere with the land intended to be appropriated by any *bona fide* resident settler upon the adjoining vacant land, who was living on the same at the time such extension was made, or whether such pre-emption's claim had, or had not, been surveyed and represented by entry or plat in the office of the county Entry-taker; such extension shall not prevent such settler from having his claim surveyed as he originally contemplated—but he shall have the further time of two years in which to have such survey made, and returned to the proper office. And in case any dispute shall arise between such claimants as to their conflicting preferences of entry, the same shall be settled in the manner herein provided for in other cases.

SEC. 29. *Be it enacted*, That in case the real owner, or owners of any land warrant, or warrants, have heretofore made, or shall hereafter make a merely colorable transfer, without a good consideration of all or any part of such land warrant, or warrants to any third person, or persons, with a view to enter the same, and attach an extension thereto for the benefit of the real owner, or owners of such warrant under the occupant laws of this State, the real owner, or owners at the time of such entry and extension, not having the right to make the same, in his, her or their own name, the same shall be declared void by any court in this State, of competent jurisdiction, upon the application of

any person interested, or who may hereafter become interested in such vacant land, by occupant, entry, or otherwise, and the land shall be decreed to the subsequent enterer : *Provided*, he brings himself within the meaning, spirit and provisions of this or any former occupant law of this State:

To make affidavit in writing.

SEC. 30. *Be it enacted*, That hereafter, it shall not be lawful for any of the Surveyors South and West of the Congressional Reservation line, to survey an extension to any small tract of land held by deed, grant or entry, until the owner or claimant of such small tract shall have first made an affidavit in writing, before some Justice of the Peace in the county where the land lies, that he is the actual, *bona fide* owner of said small tract of land ; and is alone interested in the extension which he desires to make thereto. And any extension run out contrary to, or in violation of the provisions of this section, are hereby declared to be null and void, to all intents and purposes.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed 11th Jan. 1842.]

CHAPTER XXXV.

An act to reduce the tax fees of Attorney Generals in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That whenever any judgement, for any fine or cost, shall be rendered in any court, against any defendant, upon any prosecution under any of the statutes which may be in force, to discourage and suppress gaming, only five dollars shall be taxed to the bill of cost, as a fee for the Attorney General, when the same shall be prosecuted to conviction : *Provided*, That on conviction for games made felony by law, the fee of the Attorney General shall be ten dollars, to be taxed in the bill of cost, and to be paid by the defendant.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate

Passed Jan. 13, 1842.]

CHAPTER XXXVI.

An Act to make legal all the official acts of James Rose, as deputy Clerk of the County Court of Shelby county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the official acts of James Rose, as Deputy Clerk of the county court of Shelby county, in the State of Tennessee, by him done and performed since the second day of May, 1839, shall be, and the same are hereby declared to be legal, valid and obligatory, as fully and effectually, to all intents and purposes, as if the same had been done and performed by the chief or principal clerk of said court, from said second day of May, 1839, to the present time.

SEC. 2. *Be it enacted*, That all probates and acknowledgements of deeds, mortgages, trust deeds, and all other instruments required by law to be registered, that may have been taken or made by and before the said James Rose, as deputy clerk of said Court, since the 2d day of May, 1839, are hereby made and declared to be as good, legal and valid in law and in equity, as if the same had been proven or acknowledged before the principal or chief clerk of said court, and said probates or acknowledgements made or taken by and before said James Rose, as deputy clerk of said court, shall be admitted and received in the courts as evidence, in the same manner, and with the same effect as if made or taken by or before the principal or chief clerk of said court of Shelby county: *Provided*, that nothing herein contained shall be so construed as to effect the claim of judgement creditors, or to take away any vested right previous to the passage of this act.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 14, 1842.]

CHAPTER XXXVII.

An Act to amend the act of 1823, chapter twenty-one in relation to Delinquent Constables.

Be it enacted by the General Assembly of the State of Tennessee, That when any Sheriff, Coroner or Constable, shall collect, ^{Monies how} collected, any money upon any debt or demand, put into his hands for collection, or where any such officer

shall receive any money by virtue of his office, and shall fail or refuse to pay over the same, to those entitled to receive it, it shall, and may be lawful, for the person entitled to the money so collected or received, to make his motion before any Justice of the Peace in the county in which the judgement was rendered, and to obtain judgement against such delinquent officer and his securities, for the amount so collected, with 12½ per cent interest from and after the time application or demand is made for said money so received, on which judgement there shall be no stay of execution, and such officer shall be liable to such motion whether he collected or received the money before or after the issuance of any warrant, or before or after the rendition of any judgement, or the issuance of any execution, which motion shall be had under the same rules, regulations and restrictions as are provided in the act of 1823, chapter 21: *Provided*, that nothing herein contained shall be construed to authorise a judgement by motion against a constable or other officer and his securities, except in cases where the debt or demand collected, was originally cognizable before a Justice of the Peace.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 14, 1842.]

CHAPTER XXXVIII.

An Act to incorporate a literary Institution at the town of Maryville, in Blount county, to be styled the Maryville College.

Whereas, Sundry individuals in the State of Tennessee and elsewhere, have for the laudable purpose of advancing education, and promoting learning in the State, contributed funds to the amount of between fifteen and twenty thousand dollars, with a part of which, lots in the town of Maryville, and land adjacent, have been purchased, and suitable buildings erected thereon; *and whereas* a regularly organized Institution of learning, has been in operation about twenty years in said town, under a board of directors, and now possessing a library of upwards of six thousand volumes, and a respectable chemical and philosophical apparatus, and has sent forth several hundred *Alumni*, many of whom are now the ornaments of the different learned pro-

fessions, and some of them members of the National and State Legislatures, *wherefore* to give the Directors the power necessary to further the beneficent views of the founders:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the present board of directors be, and they are hereby, constituted a body politic and corporate, by the name and style of the directors of Maryville College, at Maryville, and shall have perpetual succession, and a common seal, and that they and their successors, by the name aforesaid, shall have, and they are hereby invested with all legal powers and capacities to buy, receive, possess, hold, alien, and dispose of any property for the use and benefit of the institution, and for no other use or purpose whatsoever, and may sue and be sued, plead and be impleaded in any court whatever, and to do whatever may by them be deemed necessary for the advancement of general literature in said Institution.

Directors to be a body politic and corporate

SEC. 2. *Be it enacted*, That a majority of said directors shall constitute a board to transact any business of the institution, and shall have full power and authority to elect a President, and such professors, tutors and other officers in said college as they may deem necessary, to fix their salaries, and to make such by-laws, rules and regulations, as in their opinion may be expedient or necessary: *Provided*, such by-laws, and regulations, are not inconsistent with the constitution and laws of the United States or of this State.

Directors to elect President.

SEC. 3. *Be it enacted*, That the estates and funds already acquired and such as may be hereafter possessed shall be and remain for the use of said college and for the advancement of learning in said Institution, and shall not be diverted to any other use or purpose.

SEC. 4. *Be it enacted*, That the President and professors of said college, with the advice and consent of the board of directors, shall have full power and authority to confer on any student in said college or any other person, the degrees of Bachelor of Arts, Master of Arts, or any other degree known and used in any college or University in any of the United States.

President is authorized to confer degrees.

SEC. 5. *Be it enacted*, That no misnomer or misdescription of said corporation, in any will or deed, gift, grant or demise, or any other instrument of contract or conveyance, shall vitiate or defeat the same, but that the same shall take effect in like manner as if said corporation were rightfully named: *Provided* it be sufficiently described to ascertain the intention of the parties.

SEC. 6. *Be it enacted*, That the property which said corporation shall be entitled to hold at any one time,

shall not exceed one hundred thousand dollars: *Provided* the library, Chemical and Philosophical apparatus, shall not be included in the estimate of the amount of property which the said corporation shall be entitled to hold.

County Court
to fill vacancies.

SEC. 7. *Be it enacted*, That whenever a vacancy shall occur in the board of Trustees, whether by death, resignation, removal or otherwise, the County Court of Blount County shall have power to fill such vacancy: *Provided* that if said County Court shall fail or refuse, for three successive terms after information of said vacancy shall have been communicated by the President of said Institution, to said Court, then the surviving Trustees shall have power to fill said vacancy.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 14, 1842.]

CHAPTER XXXIX.

An Act making appropriations for the payment of certain claims on account of work and labor done, and materials furnished towards the completion of the Lunatic Asylum.

Be it enacted by the General Assembly of the State of Tennessee, That in discharge of certain claims outstanding against the Lunatic Asylum, the following sums, with interest thereon, from the first day of March, 1840, up to the passage of this act, be paid to the persons hereinafter named, out of any monies in the Treasury of the State of Tennessee, not otherwise appropriated, viz :

To George H. Burton,	-	-	\$1607,84
“ Peter Higgins,	-	-	341,93
“ John Sigler,	-	-	249,00
“ E. H. Dean,	-	-	16,20
“ William Harris,	-	-	575,50
“ Thomas Wells,	-	-	155,81

Provided, That any debts which may hereafter be contracted by the Trustees of said Institution, or by any officer thereof, over the sum appropriated by law, shall be on their own personal responsibility, and shall not be allowed them on settlement or covered by any subsequent appropriations.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 15, 1842.]

CHAPTER XL.

An Act to amend the laws in relation to writs of Error and Appeals.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases now pending in the Supreme Court, or which may hereafter be taken by appeal or otherwise to said court, and in all other cases of appeal from an inferior, to a superior jurisdiction, where the appellant shall have died, or shall die subsequent to the appeal or writ of Error, and before the final determination of such cause by the Supreme court, or other court to which the appeal or writ of error shall have been taken, such cause or causes shall not abate on the failure or neglect of the representatives of such deceased person to come in and revive the same, but in every such case it shall be lawful for the appellee, at any time before the lapse of two terms after the death of such decedent, to come in and revive the same, and in every such case the appellee may have a *scire facias* against the executors, administrators, or heirs or devisees of such decedent, and the said Superior or Supreme Court, to which the appeal or writ of error is taken, may thereupon proceed to revive the cause, and to determine the same according to right and justice. In like manner said appeal or writ of error may be revived by the appellant or plaintiff in the writ of error, where the adverse party shall have died.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 15, 1842.]

CHAPTER XLI.

An Act for the relief of the Commissioners appointed by law, to superintend the improvement of the navigation of French Broad River, at the Hanging Rock and Seven Islands.

Be it enacted by the General Assembly of the State of Tennessee, That John Brabson, William Ellis and Micajah C. Rogers, Commissioners appointed by an act of the General Assembly of this State, on the 1st day of February 1836, chapter 129, to superintend the improvement of the navigation of the French Broad river at the Hanging Rock and Seven Islands, be, and they are hereby allowed the unexpended balance of the appropriation made to said improvement remaining in their hands, amounting to one

hundred and seventeen dollars ~~231~~ cents, in full compensation for the services rendered by said Commissioners, in the superintendence of said work.

Provided, said Commissioners shall, before they are entitled to any benefit under this act, show clearly to the Judge of the Circuit Court of Sevier county, that they have legally appropriated the money according to the act of 1836, chapter 129, and that said Commissioners have not yet received any compensation.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Passed Jan. 15, 1842.]

Speaker of the Senate.

CHAPTER XLII.

An Act to increase the number of Trustees of the Knoxville Female Academy.

Be it enacted by the General Assembly of the State of Tennessee, That the Trustees of the Knoxville Female Academy, shall have power to increase their number, by the appointment of three additional Trustees, in the manner now authorized by their charter.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 15, 1842.]

CHAPTER XLIII.

An Act to establish a Chancery Court at Sparta, in the county of White.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Chancery Court is established at Sparta, in the county of White, to be held in the Court house in Sparta, on the second Mondays in May and November.

SEC. 2. *Be it enacted*, That the said Chancery Court By whom held. shall be held by the Chancellor of the fourth division, at the time mentioned in this act, and shall have exclusive jurisdiction of all causes in said county of White, and the citizens of Van Buren and Dekalb counties, may, at their election, file their bills in said court, and the said (court)

shall have all the powers, privileges and jurisdiction that other Chancery Courts have in this State by law, and it shall be the duty of the Chancellor to appoint a Clerk and Master, and organize said court at first term, on the second Monday in May next.

BURCHETT DOUGLASS,
Speaker of the House of Representatives,
 SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 15th, 1842.]

CHAPTER XLIV.

An Act to authorize David Smith of Morgan County to open a Turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That David Smith, of the county of Morgan, be authorized to open a turnpike road from a point on the road leading from Jamestown to Montgomery, about one mile east of the residence of Isaac Taylor, the nearest and best way to some point on the road from the Crab Orchard to Jackson's ferry, on Tennessee river: *Provided,* that the said David Smith shall, within two years from the 1st day of January next, make said road as herein-after required.

SEC. 2. *Be it enacted,* That it shall be the duty of said Smith, to open said road at least twenty-five feet wide, except on hill and mountain sides, which shall be fifteen feet clear of timber, trees and rocks, which would impede the progress of horses, mules, cattle, sheep or hogs, in a drove, for which alone he is entitled to charge toll, and for which purpose this charter is intended to be granted. Width of road

SEC. 3. *Be it enacted,* That said Smith, his heirs and assigns, are authorized to erect and keep a gate on said road, and to demand and receive from any person passing said road with horses, mules, cattle, sheep or hogs in a drove, except persons going and returning with their stock from the range, the following rates of toll, to wit: for each horse or mule three cents; for each head of cattle, two cents; and for each hog or sheep, one cent. Rate of toll.

SEC. 4. *Be it enacted,* That if any person having charge of a drove of horses, mules, cattle, sheep or hogs, shall forcibly or secretly pass said gate without paying toll, or go round said gate to avoid the payment of toll, such person so offending, shall forfeit and pay twenty dollars for every Fine for evading gate.

such offence, to be recovered by said Smith, his heirs and assigns, before any Justice of the Peace in this State.

Duty of Commissioners.

SEC. 5. *Be it enacted*, That Luke Hall, Jesse Atkins and Thomas Gill, are hereby appointed Commissioners, whose duty it shall be, when satisfied by said Smith, that said road is completed, to proceed and examine, and if they find the same to be in a proper state of repair as contemplated by this act, they shall issue to said Smith a license, authorizing him to take the toll herein before set forth, and for their services as Commissioners, shall be entitled to receive from said Smith, one dollar and fifty cents for each day they may be employed about the same.

SEC. 6. *Be it enacted*, That said David Smith, his heirs and assigns, shall have and enjoy all the rights and privileges secured by this act, for the term of thirty years, and no longer.

BURCHETT DOUGLASS,

Speaker of the House of Representatives

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 15, 1842.]

CHAPTER XLV.

An Act to establish the county of Macon.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county shall be established, to be known and distinguished by the name of Macon, to be composed of parts of the counties of Smith and Sumner, beginning at a White Oak, the North-east corner of Smith county, and North-west corner of Jackson county, on the Kentucky line, running thence South with said line, fourteen miles and two hundred and sixty perches to a stake in Neal Carver's field, on Wartrace creek, thence West crossing the head of Defeated creek near John Carter's and Peyton's creek, below Joseph Cocker's and the East fork of Goose creek, North of Brevard's and the Middle fork of Goose creek, North of Mungle's, the West fork below Sloan's, thence on to a Mulberry tree near Richard Hickerson's farm, making twenty-three miles and three-quarters. Thence North, running East of said Hickerson's farm, fourteen miles and two hundred and sixty perches to a large white oak, West of Big Trammell creek on the Kentucky line, thence East with said line to the beginning.

Courts when held.

SEC. 2. *Be it enacted*, That for the due administration of justice, the different Courts to be holden in said county

of Macon, shall be holden at the house of Wm. Dunn, in the county of Macon, until the seat of justice for said county shall be located, and a suitable house erected for that purpose, and the County Court in the intermediate time shall have full power to adjourn to such other place, in the said county, as they may deem better suited for holding of the same, and for the public convenience, and to adjourn to the seat of justice whenever in their judgment the necessary arrangements are made, and all writs and other precepts returnable to either place, shall and may be returned to the place where said courts may have been removed by the County Court aforesaid, and the said courts to be holden in and for said county of Macon, shall be under the same rules, regulations and restrictions, and shall have, hold and exercise and possess the same powers and jurisdiction, as are possessed by said courts in other counties in this State.

SEC. 3. *Be it enacted*, That all officers, civil and military, in said county, shall continue to hold their offices and execute all the powers and functions thereof until others be elected under the provisions of the Constitution and laws made in pursuance thereof, and it shall be the duty of the County Court of Macon, at their first term, to appoint some suitable person to open and hold elections in each civil district in said county, on the first Saturday in March next, for the purpose of electing county officers, which election shall in all respects, be conducted agreeable to the existing laws regulating elections in other counties in this State. The county officers so elected shall have the same jurisdiction, powers and emoluments that other county officers are entitled to under the existing laws; and the said county of Macon shall be placed on an equal footing, possess equal powers and privileges, in all respects, as other counties in this State: *Provided*, nothing in this act contained shall be so construed as to prevent the counties of Smith and Sumner from having, holding and exercising jurisdiction over the territory composing the said county of Macon, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers: *Provided, also*, that nothing in this act contained, shall be so construed as to prevent the counties of Smith and Sumner from entering up judgments, or the Sheriffs of said counties from selling, under such judgments, any lands within said county of Macon, for taxes, costs or charges, for the present or any preceding year; nor to prevent the Sheriffs of either of said counties from collecting from the citizens of said county of Macon, any taxes due for the present or any preceding year.

Officers to hold
offices--how long

Powers and e-
moluments of
said officers.

SEC. 4. *Be it enacted*; That the citizens of the county

of Macon, in all elections for Governor, for members of Congress, and for members of the General Assembly, shall vote with the counties from which they may have been stricken off, until the next apportionment of members of the General Assembly agreeably to the Constitution.

Commissioners appointed. SEC. 5. *Be it enacted*, That Button Holland, Wm. Dunn, Samuel Sullivan, Eason Howell and Jefferson Short, be and they are hereby appointed commissioners, a majority of whom shall have authority to act—who shall, on the last Saturday of March, 1842, first giving twenty days' notice at four of the most public places in said county of Macon, open and hold an election for the purpose of fixing upon a suitable site for the county seat of said county, and all those residing within the bounds of said county, who are entitled to vote for members of the General Assembly, shall be entitled to vote in selecting said site, and said election shall be held at seven several places, to be designated in said county for the convenience of voters, by said commissioners, in the notice of the election herein required to be given; and it shall be the duty of the commissioners to select and put in nomination, to be voted for, two of the most eligible sites within three miles of the centre of said county, in their estimation, for such county seat in said county; and the place receiving a majority of all the votes taken, shall be and the same is hereby established the county seat of said county of Macon; and said commissioners are hereby authorized to appoint suitable persons, and to administer to them the proper oaths, as officers and judges, to open and hold the elections at the several places that may be appointed to vote, and to make return of the polls to the house of Wm. Dunn, in said county, where they shall be compared on the Monday next succeeding the day of election.

Duty of Commissioners. SEC. 6. *Be it enacted*, That said commissioners are hereby authorised to purchase or otherwise procure a sufficient quantity of land upon which to lay off a town, and to erect all necessary public buildings for said county, at the place elected by the qualified voters as aforesaid; and the commissioners shall take to themselves, as commissioners of the county of Macon and their successors in office, a deed or deeds of conveyance, with general warranty for the lands by them so purchased, or otherwise obtained.

Further duty of Commissioners. SEC. 7. *Be it enacted*, That it shall be the duty of the commissioners herein appointed, to cause a Town to be laid off at said county seat into lots, streets and alleys, of such size and width as they may deem necessary and proper, reserving a sufficient quantity of land for a public square and for the public buildings, and when so laid off the Town shall be named by the commissioners.

SEC. 8. *Be it enacted,* That it shall be the duty of the commissioners of said county of Macon to sell all the lots in said Town, in the county of Macon, upon a credit of twelve months, after first giving thirty days' notice of the time and terms of said sale, in one or more of the nearest newspapers, and the commissioners shall take bond with sufficient security from the purchasers of said lots, payable to themselves as commissioners and their successors in office, and they are hereby authorised and empowered to make to the purchasers of said lots titles in fee simple for the same.

SEC. 9. *Be it enacted,* That the proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners, to defray the expenses incurred in the purchase of the lands upon which said Town may be located, and also the expenses of erecting the public buildings of said county.

Sales of Lots

SEC. 10. *Be it enacted,* That said commissioners shall superintend the erection of the court house and jail and other necessary public buildings as shall be ordered by the county court of said county of Macon, a majority of said Justices being present, and upon such terms and conditions, as said court shall direct, and the commissioners aforesaid shall take bond with sufficient security from the contractor or contractors, in such penalties as said court shall prescribe payable to themselves as commissioners of the county of Macon as aforesaid and their successors in office, conditioned for the faithful performance of such contract or contracts as the case may be.

Commissioners to take bond.

SEC. 11. *Be it enacted,* That it shall be the duty of said commissioners to report all proceedings by them had under this act, to the first county court of said county of Macon to be holden therein, after the first day of March next, and it shall be the duty of said court to enter the same upon their records.

Commissioners to report to County Courts.

SEC. 12. *Be it enacted,* That said commissioners, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, to honestly and faithfully perform the duties assigned them by this act, to the best of their judgment, and they shall moreover enter into bond with approved security, in the penalty of five thousand dollars, payable to the chairman of the county court of Macon county and his successors in office, conditioned for the due and faithful performance of the duties enjoined upon them by this act, and for the just application or forthcoming of such funds as may come to their hands as commissioners as aforesaid.

Commissioners to take an oath.

SEC. 13. *Be it enacted,* That said commissioners shall keep a regular and fair record and account of all monies

Commissioners to keep a record.

by them received and expended, which statement shall, from time to time, when required by the county court of Macon county, be laid before said court, and when the public buildings of said county shall be completed, said commissioners shall, by order of said court, pay over any surplus money that may be in their hands to the county Trustee of said county for county purposes, and they shall, for their services, receive such reasonable compensation as shall be adjudged them by said county court.

County to be
laid off in dis-
tricts.

SEC. 14. *Be it enacted*, That Bennett Wright, Alexander Ferguson, Edward Glover, and Jefferson Bratton, or a majority of them, shall have power and authority, and they are hereby appointed commissioners to lay off said county into seven civil districts, in which there shall be elected Justices of the Peace and constables, at the time prescribed by law for electing such officers in other counties in this State.

Where to meet.

SEC. 15. *Be it enacted*, That the county of Macon shall form one Regiment, and said Regiment in all its relation to the Militia of the State shall assume the place of the Regiment, and shall be attached to the ninth Brigade, and that the field officers, included in said county of Macon, shall meet at the house of Wm. Dunn in said county on the first Saturday in March next, and divide said Regiment into Battalions and Companies and provide for electing all officers in said Regiment in the manner pointed out by law.

Attached to
fourth Judicial
Circuit.

SEC. 16. *Be it enacted*, That the county of Macon be, and the same is hereby attached to the fourth Judicial circuit and the Circuit courts therefor shall be held by the Judge of said circuit on the first Mondays of January, May and September, in each and every year, at the house of Wm. Dunn or such other place as the county court may direct.

SEC. 17. *Be it enacted*, That the county of Macon shall be attached to the chancery court district to be holden at Carthage, Smith county.

Writs of error.

SEC. 18. *Be it enacted*, That all appeals, writs of error and appeals in the nature of writs or error from the circuit courts of said county of Macon, shall be taken to the Supreme courts to be held for the Middle division at Nashville.

Boundary line.

SEC. 19. *Be it enacted*, That should the boundary lines of Macon county, as designated in the first section of this act, approach nearer to the county seat of either the old counties from which the territory constituting the county of Macon is taken, than is prescribed by the constitution: it shall be the duty of the county court of Macon county to appoint some surveyor who shall re-run and re-mark such line or lines so as not to violate the constitutional rights of such

old county, and said surveyor shall make report to the county court of Macon county, which report so made, shall be recorded by the clerk of said court, and such line or lines so run, shall be the established line or lines of said county.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed 18th Jan. 1842.]

CHAPTER XLVI.

An act to amend the law in relation to the exemption of certain property from Execution.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several acts of the General Assembly of this State, exempting certain property from execution, shall be so construed as that said property shall be exempt from seizure in proceedings in criminal, as well as civil causes, under a *capias ad satisfaciendum*, in like manner as in cases of ordinary execution, and all property which any person or debtor is protected in the enjoyment of, under the act of 1820, chapter 11, and other acts amendatory and supplementary thereto, shall not be taken from such person or debtor under any proceedings under the laws of this State, in relation to insolvent debtors, but such person shall be protected in the enjoyment thereof, in the same manner as such property is protected from a levy under a *fiери facias*. Property exempted from seizure.

SEC. 2. *Be it enacted,* That in addition to the articles heretofore exempt from execution, that there shall be exempt also one other bed and furniture, containing not more than twenty-five pounds of feathers; and also one other cow and calf shall be exempt from execution in civil, as well as criminal cases, and that the provisions of this act, securing property to heads of families, shall be construed and taken to extend to, and embrace the heads of each and every family, of whatever vocation or calling, and the property hereby exempt from execution, shall be secured to the widow, as the head of the family, after the death of the husband, and shall not go to the executor or administrator, but if there be no widow, then the property shall go to such personal representative, for the use of the children. Articles exempted from execution.

SEC. 3. *Be it enacted,* That the provisions of the se-

cond section of this act shall only apply to debts contracted after its passage.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 17, 1842.]

CHAPTER XLVII.

An act to amend an act entitled an act to re-enact and amend an act to establish a system of common schools, in the State of Tennessee," passed January 28th, 1840, and for other purposes.

Commissioners--
 how elected.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where any sheriff or sheriffs of any county or counties in this State, have failed or neglected to appoint suitable persons to hold elections for common school commissioners in each of the several school districts in the respective counties in this State, in pursuance of the provisions of the twenty-second section of the act which this act is intended to amend, in consequence of which failure or neglect of such sheriff or sheriffs, no election for common school commissioners was held in any school district or districts in any county or counties in this State, at the time prescribed by the act which this act is intended to amend, or where, from any other cause, common school commissioners were not elected in any school district or districts in any county or counties in this State, and any election or elections for common school commissioners may have been held in any school district or districts, in any county or counties in this State, and commissioners of common schools, elected at any other time or times than that prescribed by the above recited act, such elections, so held, shall be as good and valid as if said elections had been held at the time prescribed by law, and the commissioners of common schools, so elected, shall be, and they are hereby vested with the same power and authority, and shall perform all the duties of common school commissioners regularly elected at the time prescribed by law, and the said commissioners of common schools, so elected, shall have the same power and authority to demand and receive from the county Trustee of their respective counties, all such common school monies which have been paid into the hands of such Trustee, for the use of the school district or districts of which the persons so elected shall be commissioners respectively, and they shall have and possess all power and author-

ity and right to sue for, and recover all monies due the several school districts, in which the persons so elected are common school commissioners respectively, in as full and complete a manner as if such commissioners had been regularly elected at the time prescribed by law, and if any county Trustee who has received any money to which any school district or districts is entitled, and failed to pay over the same to the commissioners of any such district or districts in consequence of a failure to select common school commissioners at the time prescribed by law; and such Trustee has loaned said money at interest, or has used it in trade or otherwise, said Trustee shall be compelled to pay interest on such sum of money, and on failure of such Trustee to pay over the money to the common school commissioners entitled to receive the same, it shall and may be lawful for said commissioners, in their own names as commissioners, to sue for and recover said principal sum of money and interest thereon, for the use of the school district or districts, of which they are commissioners.

SEC. 2. *Be it enacted*, That if the sheriff of any county in this State shall fail or refuse or neglect to appoint suitable persons to hold elections for common school commissioners, as prescribed by the act which this act is intended to amend, or the person so appointed shall fail to hold the elections at the time prescribed by the above recited act, or if from any other cause, an election for common school commissioners shall not be held, at the time now prescribed by law, it shall and may be lawful, and it is hereby made the duty of the sheriff of the county, where such failure may have occurred, within thirty days after the time now prescribed by law for holding such elections, to appoint suitable persons to hold elections for school commissioners, in any district or districts, where no election has been held at the time now prescribed, and the person so appointed in consequence of the failure to hold such election in any district or districts, in any county in this State, shall upon giving the notice of the time and place of holding such election now required by law, proceed to open and hold an election for common school commissioners for such district or districts, in any county where such failure may have happened under the same rules and regulations now prescribed by law, and the said commissioners elected in pursuance of the provisions of this act, shall have the same power, and authority, and perform and discharge the same duties of commissioners regularly elected, at the time now required by law, and such election of school commissioners, shall be as valid and effectual as if the same had been held at the time now required by law; and in all

Duty of Sheriff.

cases where any school district in any county in this State may have omitted to elect common school commissioners, and such district or districts, shall hereafter elect common school commissioners under the provisions of this act, or the act which this act is intended to amend, such commissioners so elected, shall have full power and authority, and it is hereby made their duty, to apply for and receive all such money as may be due to their respective school districts, in the hands of any person or persons whatsoever, and to use all ways and means necessary for the recovery of the same.

Commissioner
not to teach.

SEC. 3. *Be it enacted*, That no School Commissioner shall hereafter be a teacher in any common school where he shall be a commissioner, and no school commissioner shall have power to take any contract or contracts for building any school house, or any other contract that said commissioners are empowered by law to make, as school commissioners.

Former commis-
sioners—when
sued.

SEC. 4. *Be it enacted*, That the thirty-fifth section of an act entitled "An act to re-enact and amend an act to establish a system of Common Schools in the State of Tennessee," chapter thirty-eight, passed 28th January, 1840, be so amended, that in all cases where any common school commissioners for any school district, shall go out of office, having in their hands any of the school funds of their districts, and shall fail or refuse to pay over the same to their successors in the office of common school commissioners, it shall and may be lawful for the commissioners last elected to sue for and recover from the former commissioners, all such school funds remaining in the hands of the commissioners failing and refusing to pay over said funds; and such suit shall be brought in the name of the school commissioners of the district in their name and style of common school commissioners, for the use of their school district.

Further duty.

SEC. 5. *Be it enacted*, That when any county in this State has heretofore, or may hereafter be laid off into School districts by Commissioners, appointed by the County Court, under the provisions of the twentieth section of the act, which this act is intended to amend, it shall be the duty of such Commissioners to make out a plan of the districts so laid off, and showing the lines thereof, and file the same with the Clerk of the County Court, whose duty it shall be to keep and preserve the same in his office.

SEC. 6. *Be it enacted*, That when any child or children may live inconvenient to the Common School House, in his or their district, it shall, and may be lawful for said child or children to go to any other Common School in any of the adjoining districts, and be under the same rules and regulations and restrictions, as other children living in said district, and to have the same benefit of the Common School

money; *Provided* that any child or children who may live inconvenient to a school house, in any county in this State, may be sent to any school in an adjoining district, either in the same or a different county, and shall have the same benefit of the common school money as if sent to school in the district in which he, she or they may reside.

SEC. 7. *Be it enacted*, That it shall be the duty of the County Trustee to make a settlement with the Clerk of the County Court, on the second Monday in April, in each and every year, showing the receipts and disbursements by him on account of Common Schools, which settlement shall be exhibited to the County Court at the next term, and entered of record in the Clerk's office of the County Court.

Duty of County trustee.

SEC. 8. *Be it enacted*, That if a Common School Commissioner or Commissioners, or the Treasurer of the Common School Commissioners shall apply the school funds received by him or them, to any other use or purpose than the support of schools in their respective districts, such commissioner or commissioners, or Treasurer, shall be guilty of a misdemeanor, and upon conviction therefor, upon indictment or presentment, shall be punished as persons guilty of misdemeanors.

School monies ---how applied.

SEC. 9. *Be it enacted*, That persons between the ages of six and twenty one years, residing in any school district, shall be enumerated and entitled to all the benefits that children between the ages of six and sixteen years are entitled to.

Age of scholars.

SEC. 10. *Be it enacted*, That where the population of any school district is scattered, and lies remote from the place where the district school is established, and such portion of the population by themselves or in connexion with citizens of any other district or districts, desire to have a separate school house, and furnish a list of twenty scholars or more to the Commissioners, the person who shall so apply, having the said twenty scholars within the age prescribed by law, shall be entitled to their ratable share of said fund, to be expended for the benefit of said separate school, under the direction of the said Commissioners.

When a district may be divided.

SEC. 11. *Be it enacted*, That the special act, in relation to common schools in the Hiwassee and Ocoee districts shall not be affected by this act, but that this act shall be amendatory to said act, regulating common schools in the aforesaid Hiwassee and Ocoee districts, passed on the 13th day of December, 1841.

Schools in the Hiwassee dist^{ts}.

SEC. 12. *Be it enacted*, That the children living on the south side of Duck River, in Bedford county, west of a line commencing at Aquilla Jones', including the children residing on said Jones' place, including Samuel Sut-

ton's plantation, thence to the county line, shall be at liberty to go to the nearest school house in Marshall county.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed 12th Jan. 1842.]

CHAPTER XLVIII.

An Act to amend an act entitled an act to reform and amend the penal laws of the State of Tennessee, passed 9th December, 1829.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whoever shall feloniously obtain, or get into possession the personal goods or choses in action of another, by means of any false and fraudulent pretences, shall be guilty of felony, and shall undergo confinement in the public Jail and Penitentiary house established in this state, for a period of not less than three, nor more than ten years.

SEC. 2. *Be it enacted,* That whoever shall fraudulently receive the personal goods or choses in action of another, knowing that the same shall have been feloniously obtained, or got into possession by means of any false and fraudulent pretences as aforesaid, with intent to deprive the true owner thereof, shall be deemed guilty of felony, and shall undergo confinement in the public Jail and Penitentiary house established in this state, for a period not less than three nor more than ten years.

SEC. 3. *Be it enacted,* That the words "personal goods" in the two preceding sections of this act, shall include money and all other personal property; and the words "choses in action" include bills, bonds, notes and every kind of negotiable or assignable instruments; the words "false and fraudulent pretences" include all cases of pretended buying, borrowing and hiring, and all other cases of bailment where the buyer or bailee intended at the time he received the goods, feloniously to steal the same. These words also include all cases where a person feloniously gets the money or goods or choses in action of another into possession by any false token, or counterfeit letter; or by falsely personating another, or by falsely pretending to be the owner of such goods or choses in action, or by any other false and fraudulent pretence, where the party obtaining or getting the goods or choses in action into possession, intended at the time feloniously to steal the same; and in all cases coming under the provisions of the first and sec-

Meaning of
 choses in action.

and sections of this act, where the value of the goods or choses in action, which shall have been feloniously obtained or received, shall not exceed the value of ten dollars, it shall be lawful for the court, on the recommendation of the jury, to release the penalty imposed by this act.

SEC. 4. *Be it enacted*, That charges under the first and second sections of this act, may be included in the same indictment with charges for horse stealing and larceny. Form of indictment.

SEC. 5. *Be it enacted*, That in all prosecutions for offences under this act "entitled an act to reform and amend the penal laws of the State of Tennessee, passed the 9th day of December, 1829," where the fraudulent possession or concealment of the thing constitutes the offence, it shall be sufficient to allege in the indictment, that the party charged did fraudulently keep in possession, or conceal such thing, and it shall not be necessary to aver or charge the particular species of fraud that the party charged intended to commit, and in indictments for fraudulently keeping in possession or concealing counterfeit money or bank notes, it shall not be necessary to aver in the indictment that the party charged intended to pass or impose the counterfeit money or bank notes upon the community as good money, but it must appear in proof, that the counterfeit money or notes were so possessed and concealed with fraudulent intent, that they should get it into circulation; and that the party charged knew the money or notes were counterfeit.

SEC. 6. *Be it enacted*, That in all indictments for offences committed in the 39th section of said act, except the offence of passing, or offering to pass counterfeit coin in all indictments, for making fictitious instruments, or buying the same, making or preparing plates to be used in making counterfeit or fictitious instruments, making or preparing bank paper for the purpose of counterfeiting, and in all other cases, where from the nature of the offence, a fraud upon the public was intended, but no particular person was intended to be defrauded, it shall be sufficient to charge the offence in the words of the act; and it shall not be necessary to aver or charge the particular species of fraud the party accused intended to commit. Charges to be averred.

SEC. 7. *Be it enacted*, That whoever shall feloniously or fraudulently receive the personal goods or choses in action of another, which shall have been feloniously stolen beyond the limits of this state, knowing the same to be stolen, and with intent to deprive the true owner thereof, shall be deemed guilty of felony, and shall undergo confinement in the Jail and Penitentiary house established in this state, for a period not less than three nor more than ten years. Receiving goods stolen in another State.

SEC. 8. *Be it enacted*, That nothing herein contained

shall be so construed, as that a felonious intent under this act may be presumed from the conversion of the property being proved.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 21, 1842.]

CHAPTER XLIX.

An Act to authorise the Bank of Tennessee to issue notes of smaller denominations than five dollars.

Be it enacted by the General Assembly of the State of Tennessee, That the Bank of Tennessee shall issue notes of any denomination from one dollar to ten dollars, under the same rules, regulations and restrictions, as other issues of the said Bank: *Provided,* that whenever the State Bank resumes specie payments, she shall cease to issue any new small notes as herein authorised.

Provided, That the issue of such small notes shall be duly apportioned among the several Branches of the Bank of Tennessee, and not confined alone to the parent Bank at Nashville.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 25, 1842.]

CHAPTER L.

An Act to authorise the transfer of certain civil suits from Bradley County to Polk County.

Be it enacted by the General Assembly of the State of Tennessee, That all civil causes which were pending in the Circuit Court of Bradley County, at the time when Polk County was established, where the parties to the same fell within the limits assigned to the aforesaid County of Polk, may be transferred from the Circuit Court of Bradley County, to the Circuit Court of Polk County for trial, and determination, on the application of either the Plaintiff or Defendant, either to the Circuit Court of Bradley County,

while setting, or to the Clerk of the same in vacation, and that on the transfer of such causes, the Clerk of the Circuit Court of Polk County, shall have full power to issue all process pertaining to the trial and determination of the same, in as full and ample manner as if the same were to be tried and determined in the Circuit Court of Bradley County.

BURCHETT DOUGLASS.

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 25, 1842.]

CHAPTER LI.

An Act to abolish and discontinue Spring Musters, and their Courts Martial and Drills.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the 10th Section of the Militia law of this State, passed in 1835, and all laws or parts of laws, authorising and requiring Spring Company and Battalion Musters be, and the same are hereby repealed. Old laws repealed.

SEC. 2. *Be it enacted,* That all laws or parts of laws, requiring Battalion and Company Courts Martial and Drills, which the Militia are now required to hold and perform in the months of April and March, of each year be, and the same are hereby repealed.

SEC. 3. *Be it enacted,* That the Commandants of Companies shall make their annual Company returns on or before the Regimental Musters in each and every year, agreeably to the forms prescribed by an act passed January 28, 1840, in which shall be expressed their Military strength, arms, &c., and deliver the same to the Adjutant or Commandant of the Regiment. Company returns to be made

SEC. 4. *Be it enacted,* That Commandants of Regiments shall cause their Adjutants to make out their Regimental returns on or before the 1st of November in each and every year. Brigade Majors shall make out their Brigade returns on or before the 1st of December in each and every year; and Major Generals shall cause their Adjutants to make their division returns on or before the 1st of January in each and every year. Regimental returns to be made

SEC. 5. *Be it enacted,* That such parts of Sections 58, 59 and 60, of an act passed 28th January, 1840, as relates to the time of making returns be, and the same are hereby repealed.

SEC. 6. *Be it enacted,* That all Company Officers shall

Term of office hold their offices for five years from their elections, and all Regimental Officers shall hold their offices for six years from their elections, and Brigadier Generals and Major Generals shall hold their offices for eight years from their elections, and shall be commissioned accordingly.

BUCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 25, 1842.]

CHAPTER LII.

An Act to establish a Criminal Court in the county of Davidson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, a court shall be established in the county of Davidson, for the trial of all crimes and offences against the laws now in force in this state, and such as may be hereafter enacted, to be composed of one Judge, to be elected by the Legislature, to hold his office eight years, to reside within said county, and to receive, as a compensation for his services, an annual salary of one thousand dollars.

SEC. 2. *Be it enacted,* That the style of said court shall be, "The Criminal Court of Davidson County," and that **Term and salary of Judge.** said court shall hold four terms in each year in the city of Nashville, on the first Mondays in March, June, September and December, and shall continue its sessions so long as there may remain business on its Docket undisposed of, or until it shall interfere with the terms of the Circuit Court of Davidson county; and that the Judge of said court shall have power to hold special terms of said court whenever it shall seem to him necessary to order the same, of which order public notice shall be given at the regular term next preceding the time appointed for such special term.

SEC. 3. *Be it enacted,* That the Attorney General of the 6th Judicial Circuit, the clerk of the Circuit Court, and the Sheriff of Davidson county, shall attend the said Criminal Court, and perform all the duties, now by law required of them respectively in relation to the Criminal business of the Circuit Court of Davidson county, and shall respectively receive the same fees and compensation therefor.

SEC. 4. *Be it enacted,* That the Judge of the said court shall from time to time, appoint a Grand Jury and two petit Juries to attend said court and its respective regular and

special terms, and the said Juries, and the witnesses who shall attend said court, shall be entitled to the same compensation, and be subject to the same rules and regulations, possess the same qualifications, as are now provided by law in regard to Jurors and witnesses in the Circuit Court. Juries and witnesses.

SEC. 5. *Be it enacted*, That all recognizances, indictments, presentments, pleas and criminal prosecutions, and proceedings whatsoever, and all suits and proceedings for fines and forfeitures, or forfeited recognizances, now pending in the Circuit Court of Davidson County, shall be transferred to the said Criminal Court, and there proceeded in, as they would have been in the Circuit Court aforesaid if this act had not been passed; and all process now issued, or hereafter to be issued, from said Circuit Court, shall be returnable, and returned to the said Criminal Court, at the next succeeding term and terms thereof respectively, and that all recognizances hereafter to be taken by said Circuit Court, shall be taken for the appearance of defendants at the next succeeding term of said Criminal Court. Transfer of causes.

SEC. 6. *Be it enacted*, That the said Criminal Court shall have all the jurisdiction now held by the Circuit Court of Davidson County, for the trial and punishment of all crimes and criminal offences, and the recovery of all fines and forfeitures, and shall have and exercise the said jurisdiction exclusively, and that the process and forms, and modes of proceedings shall be the same in said Court as now prevail in the said Circuit Court in such cases as aforesaid. Court's jurisdiction.

SEC. 7. *Be it enacted*, That writs of error and appeals in the nature of writs of error may be prosecuted from the judgments of said Court to the Supreme Court, in the same manner as they may be from the Circuit Court of Davidson county.

SEC. 8. *Be it enacted*, That the Judge of said Court before he proceeds to discharge the duties of his office, shall, in the presence of some Judge or Justice of the Peace, take the oath prescribed for Judges of the Circuit Courts of this State, and in case of failure to do so, shall be subject to the same penalties to which Judges of the Circuit Courts are now subject for the like offence. Oath of Judge

SEC. 9. *Be it enacted*, That if said Judge shall fail to attend to hold a Court, on the day designated as aforesaid, for a regular or special term, it shall be the duty of the Clerk to open and adjourn the Court, for the two first days of the term, and if the Judge shall not attend by 4 o'clock, on the third day of said term, the Court shall be adjourned by the Clerk till the Court in course, and all recognizances, process and other proceedings returned or returnable, to said term, shall be proceeded in as is now provided in such Duty of Clerk

cases in the Circuit Courts, and shall be returnable as is in such cases provided in said Courts; and if from any cause, the Court shall not sit, on any day, or days, in a term, after it shall have been opened, there shall be no discontinuance, but so soon as the cause is removed, the Court shall proceed to business until the end of the term.

SEC. 10. *Be it enacted,* That said Clerk and Sheriff shall be required to give bond and security, payable to the Governor of the State, for the time being, to the satisfaction of the Judge of said Court, in the sum of \$5000 each, for the faithful discharge of the duties of their office under this act.

SEC. 11. *Be it enacted,* That all laws giving to the Circuit Court of Davidson County jurisdiction of crimes and criminal offences, or so much thereof as gives such jurisdiction be, and the same are hereby repealed.

SEC. 12. *Be it enacted,* That the Judge of said Criminal Court shall not practice as Attorney or Counsellor in any Court of law or equity of this State.

SEC. 13. *Be it enacted,* That in every case which may come up for trial before said Court, and in which the Judge may be legally disqualified to act, the said Judge shall certify the same to the Judge of the Circuit Court of Davidson county, whose duty it shall thereupon become to sit in the trial of such case in place of the Judge so disqualified, and at a period as early as may be consistent with a proper discharge of the other duties of his station.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 27th, 1842.]

CHAPTER LIII.

An Act to incorporate the Memphis City Hotel Company in the Town of Memphis.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Seth Wheatley, J. Fowles, John Trigg, David Park, L. C. Trezvant, F. P. Stanten, Dudley Dunn, Cobb and Bias, Lewis Shanks, J. H. Lawrance, William Rives, J. W. Guthridge, Thos. Brown, Jno. P. Trezvant, J. B. Finny, Nelson and Titus, W. Canel, N. M. Connell, J. D. Williams, Thos. W. Hunt, W. A. Beckford, W. Henderson, John Saffarans, M. Leonard, J. P. Hardaway, A. Trigg, B. Kimbrough, C. Goodman, L.

Austin, J. N. Moon, Charles Stewart, A. Kernhan, John Carr, James D. Davis, J. M. Spackernagle, R. K. Turnage, W. Test, E. H. Price, M. B. Winchester, J. Henderson, N. B. Holt, A. B. Carr, Wm. Speckernagle, Mc Kibben & Lucas, Prescott and sons, W. H. Montgomery, Solomon Rozell, Geo. W. Smith, E. H. Bartee, J. J. Delahay, R. M. Horsely, James T. Leath, Joseph P. Davis and Charles A. Leath be, and they are hereby constituted a body politic and corporate, by the name of the "MEMPHIS CITY HOTEL COMPANY" with power by that name, to sue and be sued, plead and be impleaded, and generally to do and perform all other acts and things which bodies corporate may lawfully do for the purposes hereinafter named.

SEC. 2. *Be it further enacted*, That the Capital stock of said Company shall consist of the aggregate amount already subscribed by the incorporators aforesaid, to be held by them respectively, in proportion to their several subscriptions, and that the Company may hereafter increase their stock by new subscriptions, to any amount not exceeding fifty thousand dollars.

Capital stock.

SEC. 3. *And be it further enacted*, That the said Memphis City Hotel Company, shall have power to purchase and hold real and personal property to the amount of their capital, to sell, exchange or mortgage the same, to contract loans, and do every thing which may be necessary or expedient in building, completing, furnishing, keeping and conducting or leasing a Public Hotel in the said town of Memphis.

Power of the Company.

SEC. 4. *Be it further enacted*, That the said Memphis City Hotel Company shall meet on the first Monday of February or March next, and ever afterwards on the first Monday in January in each and every year thereafter, and elect five Directors, who shall hold their offices for the term of one year, and until their successors shall be elected; the said Directors shall elect a President from their own body, and in his absence, or upon his resignation, death or removal, may elect another in his place, and may supply all vacancies in their own body, they may appoint a Secretary, a Treasurer, and all other necessary officers or agents, under such restrictions and provisions as to them may seem expedient; they shall keep a record of their proceedings, and a majority of Directors shall be a quorum to do business.

When to meet.

SEC. 5. *Be it further enacted*, That said Directors shall have power to make by-laws for the government of the Company, not inconsistent with the laws of the land. They shall have the general management and control of the business of the Company, and may make all necessary contracts,

Power of Directors.

which shall be done by vote and by written instruments, signed or executed by any officer or agent, duly authorised by vote of the Directors, for that purpose. The Directors shall prescribe the manner in which the several members of the Company may transfer their stock, and may make provision for forfeiting the stock if subscribers who may fail or refuse to pay their subscription according to the regulations and requirements of the Directors.

Further duty
of Directors.

SEC. 6. *Be it further enacted*, That the Stockholders at any regular meeting, or at any meeting to be called by the Directors, may by a majority of two thirds of all the votes, direct all the property of the Company to be sold, and the proceeds distributed to the Stockholders in proportion to their stock, which when accomplished, shall work a dissolution of the body corporate herein created. In every meeting of the Stockholders, each Stockholder shall have one vote for each share of one hundred dollars held by him, and any number of the stockholders holding a majority of the stock regularly met, and present in person or by proxy, shall constitute a quorum to do any business, except to dissolve the corporation.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed 26th Jan. 1842.]

CHAPTER LIV.

An Act to amend the act of 1836, Chapter 43, in relation to Attachments.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act of 1836, Chapter 43, Section 1, be so amended, as that it shall be lawful for the agent, attorney or factor of any Complainant, to make affidavit in the same manner and under the same rules, regulations and restrictions as are therein required of the Complainant or Complainants, or some one of them; and that in all cases where any bill has been filed under the provisions of said act and the affidavit has been made by any agent, attorney or factor of the Complainant or Complainants therein, the same and all the proceedings thereon shall be as good and valid as if said affidavit was made in conformity with the act.

SEC. 2. *Be it enacted*, That section 5 of said act be

so amended, as that the Clerk and Master of the court in which a bill is filed may at any rule day order publication in the same manner and under the same regulations and restrictions as are prescribed when said order is made by the court, and in like manner when the bill is filed the Clerk and Master may forthwith make all necessary orders of publication against absent defendants, which shall have the same force and effect, as if made at the first or any subsequent term of the court.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate

Passed Jan. 26, 1842.]

CHAPTER LV.

An Act to authorize the Governor of Tennessee to commute capital punishment, to imprisonment for life in the Penitentiary, in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That upon application for a pardon, the Governor of this State shall have the power to commute the punishment of death, to imprisonment for life, in the public Jail and Penitentiary House established in this State, in cases of persons sentenced to capital punishment, when the said Governor shall be of opinion, that the facts and circumstances adduced on such application, are not sufficient to warrant a total pardon of such offence.

BURCHETT DOUGLAS.
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Jan. 26, 1842.] *Speaker of the Senate.*

CHAPTER LVI.

An Act for the relief of persons building Machinery propelled by water power.

Be it enacted by the General Assembly of the State of Tennessee, That an act passed 1829, Chapter 76, be and the same is hereby repealed.

BURCHETT DOUGLASS.
Speaker of the House of Representatives.
SAM. TURNEY.

Passed Jan. 26, 1842.] *Speaker of the Senate.*

CHAPTER LVII.

An Act to regulate the duties of Clerks in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when an appeal shall be taken from the Chancery or Circuit courts of this State to the Supreme court, it shall be the duty of the Circuit or Chancery Court Clerks to make out a complete bill of cost in said cause in which said appeal shall be taken, which said bill of cost shall accompany the record, and a copy of the same placed by said Clerks of the Circuit or Chancery Courts, upon their execution docket.

Duty of Clerk
of Supreme court

SEC. 2. *Be it enacted,* That when the cost accrued in any case where an appeal has been or shall be taken as aforesaid, and the costs accrued in the Circuit or Chancery court, either has, or hereafter, shall be paid into the office of either of the Clerks of the Supreme court; it shall be the duty of the said Clerks of the Supreme court to pay said costs to the Clerks of the said Circuit or Chancery courts in which said costs may have accrued, and take their receipts for the same.

SEC. 3. *Be it enacted,* That when the Clerks of the Circuit or Chancery courts shall receive said cost from the Clerk of the Supreme court, they shall charge themselves with the same upon their execution docket, and pay it out to the persons who are entitled to the same, under the same rules and regulations as other monies collected by them.

BURCHETT DOUGLASS,
Speaker of the House of Representatives,
SAM. TURNEY,
Speaker of the Senate.

Passed 26th Jan. 1841.]

CHAPTER LVIII.

An Act to amend an act, entitled "an act to amend an act, entitled an act, to amend an act, for the benefit of the Widows of intestates, and for other purposes; passed the 16th day of December 1813, so as to extend to orphans.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That upon the death of any intestate, leaving no widow, but minor children under the age of fifteen years, it shall be the duty of the County Court, to appoint three free-holders, unconnected with the children either by affinity, or consanguinity, who being first duly sworn to

act impartially, shall set apart so much of the crop, stock, provisions and monies on hand, or due, or other assets, as may be necessary for the support of such minor children, until the expiration of one year after the decease of the intestate, and all such crop, stock, provisions, and monies on hand, or due, or other assets so set apart, shall be the absolute property of such minor children, for the use aforesaid, and shall not be taken into the account of the administration of the estate of such intestate.

SEC. 2. *Be it enacted, by the authority aforesaid,* That when such year's provisions, shall be laid off and set apart for the minor children of such intestate, it shall not be liable to be taken by any precept, or execution whatsoever. Administrator
to be trustee.

SEC. 3. *Be it enacted,* That the Administrator of such Estates, shall be Trustee for the management of the property so set apart, for the support of the children aforesaid, until the appointment of a Guardian for such children, when he shall pay it over to said Guardian, and take a receipt therefor.

SEC. 4. *Be it enacted,* That in all cases where a year's support has been heretofore laid off to such minor children as aforesaid, under the construction of the Acts of 1813 and 1837, on this subject, the such support so laid off, and allowance so made, shall be held good and valid, to all intents and purposes, and said children, or their Trustee shall be held entitled to such allowance against any claim or claims of creditors, whether the same be in judgement or execution or otherwise; any law to the contrary notwithstanding.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LIX.

An Act to amend the laws providing for the collection and paying over the State and County taxes, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any Sheriff or any other collector of the State and County taxes have heretofore received, or may hereafter receive a credit from the County court for the taxes of any person or persons, by returning said person or persons as insolvent, or as removed from the County, and afterwards have collected, or shall thereafter Du. y of collect-
ing officers.

collect such taxes from such person or persons which have been returned insolvent or removed; it shall be the duty of such collecting officer or officers to pay the same over to the County Trustee and Treasurer of the State, as other State and County taxes are paid, and such money so collected may be recovered of said Sheriff as other monies collected for taxes are now recoverable by law.

Liability of
sheriff and col-
lector.

SEC. 2. *Be it enacted*, That when any Sheriff or any other collector of the public taxes, either State or County, has received or may hereafter receive a credit for the taxes of any person or persons, by falsely and fraudulently alledging that the said person or persons were insolvent, or had removed from the county. The sheriff or other collecting officer who have obtained a credit as aforesaid by such false and fraudulent report, shall pay double the amount of said taxes out of his own money, and shall moreover be liable to indictment for a misdemeanor in office.

Duty of Attor-
ney General.

SEC. 3. *Be it enacted*, That in all cases where a sheriff or other collector of public taxes shall be made liable for the payment of any State or County tax, by virtue of this act, it shall be the duty of the Attorney General to obtain a judgment against such collector by motion for the same.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LX.

An Act to authorise the payment of certain monies therein mentioned to the Common School Commissioners of the 11th School District, of McNairy County.

Be it enacted by the General Assembly of the State of Tennessee, That Robert M. Owen, late Trustee of McNairy County be, and he is hereby authorised and required to pay over to the Board of Commissioners of common schools of the 11th school district of said County, the sum of \$117 78cts., which belonged to the said district, according to the scholastic population of said district, and which has been by mistake allotted to the 10th district.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LXI.

An act for the relief of Geo. C. Bradley, former Jailor of Hawkins County.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of the State of Tennessee pay to Geo. C. Bradley, former jailor of Hawkins County, the sum of seventy-nine dollars, it being the amount of his legal fees for keeping in the prison of said County two prisoners, one charged with murder, the other with horse stealing, who made their escape without the negligence, default or connivance of the said Geo. C. Bradley, but from the insufficiency of the jail—and the receipt of such payment shall be a sufficient voucher for the Treasurer upon settlement with the Comptroller.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LXII.

An Act to amend the acts of 1827, Chapter 57, and the act of 1829, Chapter 11

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the Clerks of the several County Courts in this State, to settle with the Trustees of the several County Academies in this State, and to do and perform all the duties required of the Commissioners specified in the acts which this act is intended to amend, at the same time, and in the same manner, that such Commissioners are required to make such settlements, and to discharge all the duties required to be performed by the Commissioners, specified in the acts which this act is intended to amend, for which services the Clerks shall be allowed two dollars; to be paid out of the County Treasury.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LXIII.

An Act to amend the 13th section of the act of 1835, Chap. 15, relative to Tax Collectors.

Be it enacted by the General Assembly of the State of Tennessee, That the public taxes or revenue collected for county purposes in the several Counties in this State in each and every year, shall be due and payable to the County Trustees of the several Counties in this State, on the last day of such year, and should any Sheriff or Collector fail or refuse to pay over to the County Trustee the whole, or any part of the County revenue as above directed, he shall be proceeded against as provided for by the 15th section of the act which this is intended to amend.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 26th, 1842.]

CHAPTER LXIV.

An Act to authorise the issuing of Grants in the Hiwassee District in certain cases

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the Register of the Hiwassee District, and he is hereby directed to issue a Grant or Grants, as the case may be, to any purchaser or assignee of a purchaser, or to any enterer or assignee of an enterer of any lands in the Hiwassee District for the lands so purchased or entered, upon a duplicate copy of the entry, or receipt of entry, or upon the affidavit of such purchaser or assignee of such purchaser or enterer, or assignee of such enterer, that the whole of the purchase money or entry money, as the case may be, required by law has been paid, and that the certificate or receipt of purchase or entry has been lost or mislaid, and cannot be found, and that he, she, or they, are justly entitled to a grant for the land so purchased, or entered.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LXV.

An act to amend the Criminal laws of this State.

Be it enacted by the General Assembly of the State of Tennessee, That the act of 1822, section 3, chapter 40, be so construed that the Court shall not direct the Attorney General to prefer a bill of indictment *ex officio*, unless he shall be satisfied from the evidence of a witness or witnesses, sworn in open Court, or from his personal knowledge, that an offence has been committed, and that no one will become the prosecutor.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LXVI.

An Act relative to the adjudication of Land Warrants.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the Secretary of this State, as commissioner of land claims, to receive and file for adjudication until the expiration of two years from the passage of this act, all *bona fide* land claims, all certificates of interference, all Register's certificates not heretofore adjudicated, all claims north of the Kentucky line, which was supposed to be in this State; *Provided*, in all cases there shall be satisfactory evidence, filed with the Commissioner; that all such claim or claims, was founded on a valid warrant or warrants, and also *provided*, that no person heretofore has had the benefit of the same, as well those entered in the Indian boundary as elsewhere.

SEC. 2. *Be it enacted,* That the Secretary and Commissioner may, at the request of the owner or owners of any such land claims issue the amount in smaller certificates, provided no certificate in case of division shall be less than two hundred acres, unless it shall be the last fraction, to each of which warrants or certificates so adjudicated or issued, the seal of the State shall be affixed, and without which, no warrant or certificate shall be valid, for which the Secretary of State shall receive fifty cents as a fee for his services in affixing the State seal to such certificates in each case.

SEC. 3. *Be it enacted,* That the Secretary of State,

Fee of Secre- as commissioner, shall be entitled to demand and receive the
 tary of State. following fees, viz: for each warrant issued, 50 cents, and
 one cent per acre for each warrant of fifty acres and under,
 for each warrant over fifty acres and under one hundred
 acres, three fourths of a cent per acre, and for all warrants
 over one hundred acres, one half cent per acre; *Provided*,
 that the Secretary of State shall not receive more than five
 dollars in any one case.

SEC. 4. *Be it enacted*, That it shall and may be law-
 ful for the holder of any *bona fide* land warrant, legally adju-
 dicated, as herein provided, to enter less than two hundred
 acres thereof on any vacant land south and west of the Con-
 gressional Reservation line; *Provided*, all of the vacant land
 lying in connection shall be embraced in such entry; *And*
provided further, that such entry shall not interfere with the
 surrounding *bona fide* occupant enterers; *And provided also*,
 that the holder of such warrant or certificate warrant shall be
 authorised to satisfy the residue of his warrant on any other
 vacant land, under the rules and regulations prescribed in
 this section, or may present the same to the Comptroller of
 the Treasury for payment, as provided for by law.

SEC. 5. *Be it enacted*, That it shall and may be lawful
 for the Secretary of State, under the rules and regulations
 prescribed in the first and second section of this act, to ad-
 judicate all claims for deficiency of boundary, south and
 west of the Congressional Reservation line, and issue a cer-
 tificate therefor to the proper person.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 27, 1842.]

CHAPTER LXVII.

An act to diminish the Corporate limits of the town of Gallatin, in the county of
 Sumner.

Be it enacted by the General Assembly of the State of
Tennessee, That so much of an act, entitled an act, to ex-
 tend the Corporate limits of the town of Gallatin, in the
 county of Sumner, passed January 27th, 1840, as extends
 the Corporate limits of said town over any part of the
 farm of Robert M. Boyers, lying immediately south of
 Gallatin be and the same is hereby repealed, and the corpo-

ration lines of said town shall not include any portion of said farm.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LXVIII.

An act to alter the time of holding the Circuit Court of Warren county.

Be it enacted by the General Assembly of the State of Tennessee, That the Circuit Court of Warren county shall hereafter be held on the second Mondays of January, May and September, and this act shall be in force and take effect from and after the 1st February next.

BURCHETT DOUGLASS,

Speaker of the House of Representatives,

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 28th, 1842.]

CHAPTER LXIX.

An Act to amend the act of 1831, chapter 21.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That letters of administration and ^{Letters of ad-} letters testamentary, may be granted under the act of 1831, ^{ministration.} chapt. 24, upon the estate of any person who was a non-resident at the time of his death, where the decedent had any goods chattels or assets, or any estate, real or personal, in this State, to be administered at the time of his death, or at the time such letters are applied for, and in like manner such letters of administration or testamentary may be granted, where any suit is to be brought or prosecuted or defended, in which the estate of such decedent is interested, and in any of the foregoing cases where debts or demands only are to be collected or suits to be brought, prosecuted or defended, it shall be lawful for the court of the county in which such debtors or any of them may reside, or where such suits or any of them, are to be brought, prosecuted or defended, to grant such letters of administration or testamentary, and where such suit is

pending or to be brought in a Chancery court, composed of more than one county; the County courts of any one of the counties composing the Chancery districts, shall have jurisdiction to grant such letters, and where such suit is pending in the Supreme court, the County court of the county where such suit was originally brought, shall have the jurisdiction to grant such letters.

SEC. 2. *Be it enacted*, That nothing in this act shall be so construed, as to authorise the issuance of letters of administration, or letters testamentary, after twenty years from the death of the testator or intestate.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LXX.

An act relating to lands in the Ocoee District and the locations of entry for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That persons shall be allowed to enter forty, eighty, one hundred and twenty, and one hundred and sixty acres of land in the Ocoee District, with one location describing the same; *Provided*, such location shall be guided by the lines already run or designated, and grants shall issue in conformity thereto.

SEC. 2. *Be it enacted by authority aforesaid*, That when persons put in locations for land, and said locations conflict in part with each other, in such case, that portion of the lands in which the locations conflict with each other, shall be put up to the highest bidder by the Entry taker. The location of the highest bidder for such portion shall prevail, and if the locations cover the whole of the land, their preference to the same is to be determined in like manner.

SEC. 3. *Be it enacted by authority aforesaid*, That in all cases of land hereafter entered in said District, the certificate of entry, when made out, shall be handed over to the enterer instead of to the Register, but nothing contained in this act shall be construed to interfere with the vested rights of occupants; *Provided*, said enterer shall specially request the same to be done and not otherwise.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Passed Jan. 28, 1842.]

Speaker of the Senate.

CHAPTER LXXI.

An act relating to the draining of swamp lands in the State of Tennessee.

Whereas, There is a large amount of wet lands susceptible of being drained in the State of Tennessee, the reclaiming of which would be conducive to the health and wealth of said State; *And whereas*, it may often be necessary to enter upon and cut ditches for the purpose of draining through the lands of the State and of private individuals.

Therefore be it enacted by the General Assembly of the State of Tennessee, That whenever the wet lands of any person or persons who may be desirous of draining the same are surrounded or adjoined by the lands of any other person or persons who refuse to allow to such person or persons the privilege of excavating a ditch or ditches through their lands, for the purpose of draining the said wet lands so surrounded or adjoined, it shall be the duty of the county Court, on petition of any person or persons, whose lands are so surrounded or adjoined to appoint a jury of view, consisting of not less than five free holders, who shall on oath view the premises and lay off and mark out the course of a ditch or ditches through the lands of such person or persons refusing as aforesaid, and assess the damages that may be sustained by the person through whose land said ditch may run, in such manner as to do the least possible injury to such person or persons, and report the same to that or the next Court, which Court shall have power to grant an order to said petitioner to excavate or dig such ditch or ditches, and to keep them in repair, and if any person or persons shall thereafter shut up or obstruct said ditch or ditches, he shall be liable to presentment or indictment in the circuit court of the county where such offence occurs, and fined in a sum not less than five dollars; *Provided*, that the damages adjudged by the Jury aforesaid shall in all cases be paid by the person applying for such order, together with cost of summoning and empanelling said Jury; *Provided*, that no ditch shall be opened by authority of this act, if the same shall run between the dwelling house or any out houses, or between any dwelling houses and garden, or within one hundred yards of said dwelling house, unless the owners of the land through which such ditch shall pass, shall expressly consent to the same.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 26, 1842.]

CHAPTER LXXII.

An Act for the relief of William Croom, of the County of Madison, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be, and he is hereby directed to issue a warrant for the sum of fifty dollars to William Croom, of the County of Madison, for work and labour done by him in making out an enumeration of the free white male voters of the County of Madison, under the act of 1839-40, and that the Treasurer of the State be directed to pay the said warrant on presentation, by said Croom, his agent, or attorney.

Comptroller to issue warrant in favor of William Croom.
One in favor of Grant & Love.

SEC. 2. *Be it further enacted,* That the Comptroller of the Treasury, is hereby directed to issue a warrant to Grant and Love of the County of Madison, for the sum of thirteen dollars, which sum as appears by the certificate of the Clerk of the County Court of said County, was paid through mistake by said Grant and Love as State tax, and that the Treasurer of the State be directed to pay said warrant when presented out of any monies in his possession belonging to the State, not otherwise appropriated.

One in favor of Sam'l. Lancaster

SEC. 3. *Be it further enacted,* That the Comptroller of the Treasury be, and he is hereby directed to issue a warrant to Samuel Lancaster, of the County of Madison, for the sum of twenty-one dollars and sixty cents, which sum as appears by the certificate of the Clerk of the County Court of said County, the said Lancaster, by mistake, stands chargeable with as State tax, and that the Treasurer of the State be directed to pay said warrant when presented out of any monies in his possession, belonging to the State, not otherwise appropriated; *Provided,* that if the said Lancaster has not paid the amount specified the Comptroller, is authorized to correct the mistake.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

[Passed Jan. 26, 1842.]

Speaker of the Senate.

CHAPTER LXXIII.

An Act to amend an act "entitled an act to regulate the salaries of the officers of the Bank of Tennessee and Branches," passed on the 28th of January, 1840.

Be it enacted by the General Assembly of the State of

Tennessee, That the President and Directors of the Bank of Tennessee be, and they are hereby authorised, at their discretion, when they shall deem that the business and interest of the Institution requires the same, due regard being had to economy and the safety of said Bank, to employ at the Principal Bank, one Clerk for the transaction of business in said Bank, or in agencies out of doors, in addition to the number of Clerks provided for in the act, which this act is intended to amend; *Provided*, the compensation of such additional Clerk, for the time he shall be employed, shall not exceed the compensation allowed by said act to the Clerks of said Bank.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 31, 1842.]

CHAPTER LXXIV.

An Act to establish a Chancery Court in the County of Campbell.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the law as includes the county of Campbell in the 4th Chancery District be, and the same is hereby repealed, and that the county of Campbell shall, from and after the passage of this act, form one Chancery District, and the Chancellor for the eastern division shall organize said Court, and hold the same on the 4th Monday in June and December in each and every year, in the town of Jacksboro', in Campbell county.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 31, 1842.]

CHAPTER LXXV.

An Act to require the Trustees of the Trenton Male Academy to pay over one half of the Academy funds now accrued and unexpended, and also the one half of said funds hereafter to accrue, to the Trustees of the Trenton Female Academy.

SECTION 1. *Be it enacted by the General Assembly*

Funds to be paid over. *of the State of Tennessee*, That the Trustees of the Trenton Male Academy, in the county of Gibson be, and they are hereby required to pay over the one half of the Academy funds now accrued and unexpended in their hands, and also the one half of said funds as they shall hereafter accrue to the Trustees of the Trenton Female Academy, and the receipt of the Trustees of said Female Academy, for the moneys so paid over, shall be a good voucher in the settlement of the accounts of the Trustees of said Male Academy.

SEC. 2. *Be it enacted*, That the Trustees of said Female Academy are hereby required to use and expend the moneys paid over to them by the Trustees of the Trenton Male Academy, under the provisions of the first section of this act for the benefit of the Female Academy aforesaid, in the same way and under the same restrictions as the Trustees of the Male Academy are by law required to expend the funds in their hands for the benefit of the Male Academy.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Jan. 31, 1842.]

CHAPTER LXXVI.

An act to amend the 2d Section of an act "entitled an act to incorporate the Clarksville Marine and Fire Insurance and Life and Trust Company," passed 15 January, 1840.

Be it enacted by the General Assembly of the State of Tennessee, That James McClure, Thomas W. Barksdale, G. A. Henry, J. M. Poston, Alexander M. Cromwell, Robert S. Moore, John M. Cage, Henry F. Beaumont, and Brice Stewart, or any three of them be, and they are hereby authorised to open subscriptions in Clarksville, for the Capital stock of said Company, on the 7th day of February 1842, and to keep said Books open every day between the hours of 10 o'clock, A. M. and 4 o'clock, P M., for the space of thirty days, Sundays excepted, unless the capital stock should be sooner subscribed for, and if within said thirty days, two thousand shares shall be subscribed for, it shall be lawful for the stockholders to meet, as directed in said act, and choose three Directors, who may at any time, after having given thirty day's notice in a newspaper published in Clarksville, and a newspaper published in Nashville, cause the subscription to be re-opened, and continue open until the whole amount of said stock shall be sub-

subscribed for, the surplus shall be deducted from the first subscription; *Provided*, no preceding subscriber shall retain more than fifty shares.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Jan 31, 1842.]

CHAPTER LXXVII.

An act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claim against the State for River Bonds, under the act of 1837-8, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That two boards of Commissioners shall be appointed by the Governor of this State to consist of five persons each, in each of the two grand divisions of this State, East Tennessee and the Western District, who shall perform the duties hereafter required, with power to appoint such agents under them as may be necessary for carrying out the purposes of this act. Governor to appoint Comm'rs.

SEC. 2. *Be it enacted*, That there is hereby appropriated to the two grand divisions of this State [commonly called East Tennessee and the Western District, the sum of two hundred thousand dollars, for the improvement of the navigation and clearing out the navigable rivers in said two divisions of the State in lieu of the provision made therefor by an act passed January 19th, 1838, entitled "An act to establish a State Bank to raise a fund for Internal Improvements and for other purposes." Amount appropriated.

SEC. 3. *Be it enacted*, That one hundred thousand dollars of said sum be appropriated to the said Western District and one hundred thousand dollars to East Tennessee, and that the same be paid severally to the Boards of Commissioners above mentioned in the manner and out of the funds hereinafter provided.

SEC. 4. *Be it enacted*, That the Bank of Tennessee shall pay for the purposes aforesaid the said sum of two hundred thousand dollars to the persons and in the manner hereinafter prescribed. How to be paid.

SEC. 5. *Be it enacted*, That said Bank shall pay, if required, in the manner hereinafter set forth, one half of said sum of two hundred thousand dollars before the first day of April, 1843, and one half of said sum before the first day of April, 1844.

SEC. 6. *Be it enacted,* That said boards of Commissioners respectively are hereby authorised and empowered to draw upon the Branches of said Bank in East Tennessee and the Western District, nearest to the points where the work of improvement in said rivers is in progress, for all such sum or sums of money as may be necessary in carrying on such work in each and every period of three months from and after the 1st of April next: *Provided*, that the sums so to be drawn from said Bank shall not in the whole exceed the amount above appropriated, *and provided*, that in no term of three months shall more than one fourth of one hundred thousand dollars be drawn by both of said boards of Commissioners; *and provided further*, that no money as above provided shall be drawn unless to pay for work actually done by said boards of Commissioners, or their servants or agents.

SEC. 7. *Be it enacted,* That the amount of money so to be drawn from the said Branches shall be a charge *pro rata* upon the principal Bank and all its Branches in proportion to the capital heretofore apportioned to each, which shall be regulated by drafts from said Branches on said principal Bank and the other Branches.

SEC. 8. *Be it enacted,* That each of said boards may appoint other boards of Commissioners or agents for the different Rivers in their respective divisions aforesaid, whose duty it shall be to superintend the various improvements to be made on the several Rivers upon which they shall be appointed Commissioners, and said several boards of Commissioners and their agents shall perform all the duties heretofore required by the different acts appointing River Commissioners, and shall have the same powers.

SEC. 9. *Be it enacted,* That whenever a draft shall be made upon said Branches for money as aforesaid, it shall be accompanied by an affidavit of the said Commissioners, or a majority of them, of the amount of work done, that the same is done at reasonable prices, and an account of the work so done and where done, and thereupon it shall be the duty of said Bank to pay such draft to said Commissioners, whose duty it shall be to see to the application of the same.

SEC. 10. *Be it enacted,* That said boards of Commissioners shall report to the General Board of Internal Improvement for the State their progress from time to time, the amounts of money drawn out and expended, together with any documents and evidences to sustain the same, and said General Board shall report the same to the Legislature at its next session.

SEC. 11. *Be it enacted,* That the members of said two

boards of Commissioners shall each receive two dollars for each day they may be engaged in the discharge of their duties as Commissioners.

SEC. 12. *Be it enacted*, That the above appropriation of two hundred thousand dollars shall be held and taken in full satisfaction of all demands of said two divisions of the State for River bonds provided under the act above referred to.

SEC. 13. *Be it enacted*, That the said sums of money so to be drawn from said Bank by said Commissioners, shall be applied by said Commissioners in such manner as is now provided by law. How applied.

SEC. 14. *Be it enacted*, That the bonds for two hundred thousand dollars issued and deposited in the Bank of Tennessee under the Act of 1837-8, for the Improvement of the Rivers in East Tennessee and the Western District, be cancelled and burnt by the President and Directors of the principal Bank of Tennessee at Nashville. Bonds of 1837-8 to be destroyed.

SEC. 15. *Be it enacted*, That all laws coming within the meaning of this act and inconsistent therewith, be, so far as they are inconsistent, and the same are hereby repealed.

SEC. 16. *Be it enacted*, That the amount hereby appropriated shall be received by said Commissioners in current Bank notes of the State of Tennessee at their nominal value.

SEC. 17. *Be it enacted*, That of the proceeds of the sales of public lands that may be apportioned to this State, under the Act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," that portion authorised by the Constitution of this State to be appropriated to Internal Improvement, to wit: one half of said fund apportioned as aforesaid, shall be deposited in the Bank of Tennessee and Branches, in lieu of the monies required by this act to be advanced by said Bank and Branches for the improvement of the Rivers in the Eastern and Western divisions of this State: *Provided*, said fund that may be apportioned to this State under the aforesaid act shall be received by this State: *and provided*, that nothing in this act shall be so construed as to change any of the appropriations made to particular Rivers in East Tennessee. Proceeds of sale of public land.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

CHAPTER LXXVIII.

An Act to change and amend the act of 1839-40, chap. 102, sec. 8.

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Jackson county, shall, on the first Monday in January, in each and every year, appoint Trustees to the County Academy of said county of Jackson, who shall hold their offices, as Trustees, for one year, and until their successors are appointed; and said Trustees shall have the same powers as the Trustees had by the act of 1839-40, any law to the contrary notwithstanding.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER LXXIX.

An Act for the relief of the owners of Iron Works south and west of the Congressional Reservation Line.

Be it enacted by the General Assembly of the State of Tennessee, That all persons heretofore entitled to enter any of the vacant and unappropriated lands south and west of the Congressional Reservation line, for the benefit of Iron Works, unfit for cultivation, shall have the whole time of four years in which they may enter the same, and shall be protected as other occupant claims, under the provisions of the occupant laws of this State; *provided*, no occupant settler shall be effected by this act.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER LXXX.

An Act to repeal the third section of an act, entitled an act, to incorporate the town of Tazewell, passed Jan. 2, 1830.

SECTION 1. *Be it enacted by the General Assembly of*

the State of Tennessee, That the third section of said act be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the persons who entered their protests under said act, living in or owning property in the limits mentioned in the second section of said act be, and they are hereby made subject to the laws, regulations and provisions, in every respect, which apply to other persons and property included within said limits by said 2d section.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5th, 1842.]

CHAPTER LXXXI.

An Act to amend the several acts in this State respecting costs.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases where the Clerk of the county court shall make his report to the court, under the provisions of the act to amend "an act to regulate and simplify the distribution and division of the estate of persons dying insolvent, passed the 21st of December, 1841," he shall be allowed such fees as the county court shall deem reasonable; *provided*, the same shall not exceed the fees allowed by law to the Clerks of the chancery courts for similar services; *and provided*, that no fees shall be allowed till the report be confirmed, and all laws coming within the purview of this act, are hereby repealed.

BURCHETT DOUGLASS.
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER LXXXII.

An Act to amend an act, entitled an act to extend the limits of the corporation of the town of Brownsville.

Be it enacted by the General Assembly of the State of Tennessee, That the first and second sections of a local act,

passed 15th February, 1836, chap. 92, be, and the same are hereby repealed, except that the lot on which the public jail is situated, be and remain within the corporation of Brownsville.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER LXXXIII.

An Act to change the time of holding the Chancery Courts at Savannah:

Be it enacted by the General Assembly of the State of Tennessee, That the Chancery court at Savannah, shall hereafter be held on the 1st Mondays in March and September in every year, and all reports, process and proceedings returnable to the said court, on the second Monday in March next, shall be returnable to said court on the first Monday in March next, and shall be proceeded on in the same manner as if the said reports, proceedings and process had been returned to the said court on the 2d Monday in March next.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed 5th Feb. 1842.]

CHAPTER LXXXIV.

An Act to extend the provisions of an act passed 11th January, 1840, entitled an act for the benefit of occupants South and West of the Congressional Reservation line.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed on the 11th of January, 1840, be so extended, that when any person or persons may have commenced and prosecuted the erection of mill-houses and dams, and have not been able to complete the same in the time allowed by said act, shall have the further time of twelve months to complete the same.

SEC. 2. *Be it enacted,* That upon the completion of any such work begun and prosecuted under the act, that this act is intended to amend, the Entry-takers of the seve-

ral counties shall receive such location for the number of acres as other occupants are entitled to.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER LXXXV.

An Act to alter the dividing line between Rutherford and Cannon Counties.

Be it enacted by the General Assembly of the State of Tennessee, That the dividing line between the said counties of Rutherford and Cannon be, and the same is hereby changed as follows: Beginning at a point in the present line, south of the twelve mile tree, and due west of the house of Absalom Bowen, then west to the top of Cripple creek ridge, thence along said ridge until it intersects the present line, and that the territory lying east of said line, including the residence of Herod Laseter, be attached to said county of Cannon.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER LXXXVI.

An act to legalize and make valid certain marriage license in the county of Jefferson,

Be it enacted by the General Assembly of the State of Tennessee, That all marriage license heretofore issued by any person or persons, by permission of the Clerk of the county court of Jefferson county be, and the same are hereby declared as good and effectual in law, as if the same had been issued by the Clerk of said county court in person, and all marriages had in pursuance thereof, shall in like manner be valid.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER LXXXVII.

An act to authorise Samuel Henry, Sr., of Blount County to build a dam across Little River, in Blount County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Henry, Sr., of Blount County, be authorised to build a dam across Little River, in said County: *Provided*, such dam for mills or other water works, shall not in any wise obstruct the navigation in said River, *and provided further*, that he be the owner of the Banks where he shall purpose to erect such dam.

SEC. 2. *Be it enacted*, That any person or persons residing in the County of Cannon, who shall join any Volunteer Company in the County of Rutherford and muster with the same, shall be exempt from military duty in the County of Cannon so long as he or they continue to muster with such Volunteer Company.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Feb. 3. 1842.]

Speaker of the Senate.

CHAPTER LXXXVIII.

An act to incorporate the Town of Durhamville, in the County of Lauderdale.

Be it enacted by the General Assembly of the State of Tennessee, That the Town of Durhamville, in the County of Lauderdale be, and the same is hereby incorporated with the same powers, rights and privileges, in all respects, as the Town of Lagrange, in the County of Fayette, and all the acts incorporating the town of Lagrange, except so far as the same are local in their character be held applicable to the said town of Durhamville.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 3. 1842.]

CHAPTER LXXXIX.

An act for the relief of A. Wallace, Sheriff of Stewart County.

Be it enacted by the General Assembly of the State of

Tennessee, That the Treasurer of the State of Tennessee, pay to Albert Wallace, Sheriff of Stewart County, \$62 50, compensation to him for arresting William King, Clements Manning and Calvin Manning, on a charge of murder, and carrying the same persons from Dover to the Clarksville jail, by order of the court, (the court being satisfied that the Dover jail was not sufficient to secure them,) and bringing the said persons back to Dover at the November term for trial; and the receipt of such payment shall be a good voucher for the Treasurer, upon settlement with the Comptroller.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 31, 1842.]

CHAPTER XC.

An act to alter and make certain the lines between Wilson, Cannon and DeKalb counties.

Be it enacted by the General Assembly of the State of Tennessee, That the following alteration is hereby made in the lines between the counties of Wilson, Cannon and DeKalb counties: That is to say, beginning at or near the Widow Black's, on the Rutherford county line, running with the top of a ridge so as to include Samuel Greer in Cannon county, thence with the dividing ridge that divides the waters of Smith's Fork from Sanders' Fork, so as to include John Sneed in the county of Cannon, thence down Smith's Fork to the DeKalb county line, thence with said line to the line of Cannon county, and the line so run is hereby established as the same between said counties: *Provided*, said alteration of the foregoing lines shall not reduce the county of Wilson below the constitutional limits in regard to territory.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER XCI.

An act to prevent allowances and fix permanently the fees of the Clerks of the several Courts in this State.

Be it enacted by the General Assembly of the State of Tennessee, That the Clerks and Masters of the Chancery courts, Clerks of the Circuit courts, and special commissioners appointed under the decrees of the said courts to sell real or personal estates, shall be allowed the following fees for executing such decree, and no other allowance shall be made: at the rate of four dollars for the first hundred dollars, at the rate of three dollars for every hundred dollars, over one and not exceeding three hundred dollars, and at the rate of two dollars for every hundred dollars over three and not exceeding five hundred dollars; and at the rate of one dollar and fifty cents, for every hundred dollars over five hundred until his fees shall amount to one hundred dollars, and in no case shall his fees or commissions exceed the said sum of one hundred dollars.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER XCII.

An act to amend the act of 1801, Chapter 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That complainants may, without the order or permission of the Chancellor, amend bills as provided for in the 8th Section of the act of 1801, Chapter 6.
SEC. 2. *Be it enacted,* That the defendant or defendants on having given one rule for replication may have the cause set down for hearing under the 24 Section of the act of 1801, Chapter 6.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER XCIII.

An Act to secure the revenue of the State, and to provide for the settlement of the accounts of certain officers therein named before election.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the Comptroller of the Treasury, and the Treasurer of the State, to present to the General Assembly a correct and regular statement of the accounts and vouchers pertaining to their respective offices, and it shall be the duty of the General Assembly, previous to the election of officers to either the office of Comptroller of the Treasury, or the office of Treasurer, to carefully examine such accounts and vouchers, and to settle with the incumbent of said offices, or either of them.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER XCIV.

An Act to prevent indictments and presentments in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That no person or persons, after the passage of this act, shall be subject to indictment for any single act of drunkenness, and no person shall be subject to indictment or presentment for being intoxicated or drunk; *Provided,* he or they commit no other offence against the law.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 1, 1842.]

CHAPTER XCV.

An act to allow the Secretary of State compensation for arranging and having bound certain acts and journals.

Be it enacted by the General Assembly of the State of Tennessee, That the sum of two hundred dollars be allowed

the Secretary of State, as compensation for arranging and having bound, during the years 1840 and '41, 1008 volumes of acts and journals, in conformity with an act of the General Assembly, passed on the 29th day of January, 1840, and that the Comptroller issue his warrant for said sum.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER XCVI.

An act to amend the 2d section of an act entitled an act, to prevent the poisoning of fish in any of the waters of this State, passed Nov. 19, 1833, chapter 74.

Be it enacted by the General Assembly of the State of Tennessee, That if any person or persons shall violate the provisions of the 1st section of the above recited act, he, she or they, so offending, shall be liable to indictment for a misdemeanor, in any of the courts of this State; and such person or persons shall be fined in a sum not less than ten or more than twenty-five dollars, and imprisoned not less than ten or more than thirty days.

BURCHETT DOUGLASS,

Speaker of the House of Representatives,

SAM. TURNEY,

Speaker of the Senate.

Passed Feb 3, 1841.]

CHAPTER XCVII.

An act to restore John Wilson of Blount county, William Hamilton of Rutherford county, and Alonzo D. Bostick of Benton county, to the privilege of citizenship.

Be it enacted by the General Assembly of the State of Tennessee, That John Wilson of Blount county, William Hamilton of Rutherford county, and Alonzo D. Bostick of Benton county, be restored to all the rights and privileges of citizenship they enjoyed previous to their conviction.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 2, 1842.]

CHAPTER. XCVIII.

An act giving farther time to former Sheriffs to collect arrearages of taxes.

Be it enacted by the General Assembly of the State of Tennessee, That the further time of two years be allowed to former Sheriffs to collect all arrearages of taxes due them and uncollected; *Provided,* no former Sheriff shall be authorised to enforce the payment of any taxes under the provisions of this act, without first making oath before some acting Justice of the Peace for the county, that the amount claimed is due and unpaid, and that said former Sheriff has paid and accounted for the same to the State Treasurer and County Trustee, in their annual settlements.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 1, 1842.]

CHAPTER XCIX.

An act to amend an act, entitled an act, to amend an act, to dispose of the lands in the Ocoee District, passed the 28th of November, 1839, Chapter 8.

Be it enacted by the General Assembly of the State of Tennessee, That all and every person or persons, who on the 5th day of April, 1841, had possession of any forty acre lots reserved on the supposition of their containing gold under the 12th Section of the general law disposing of the lands in the Ocoee District, and which lots were not sold and disposed of under the provisions of an act passed for that purpose, January 23, 1838, Chapter 238, his, her or their rightful assignee shall have a priority or preference of entry for the space of three months from the passage of this act, at 25 cents per acre, in Tennessee Bank notes, and if not then entered, the price shall be reduced and remain subject to entry as other lands in said District, as provided in the act this act is intended to amend.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 2, 1842.]

CHAPTER C.

An act to authorise the refunding of Money to Sheriffs and Tax Collectors in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases where any Sheriff or tax Collector has heretofore reported any lands for the non payment of taxes, which lands were upon the tax list when it came to the hands of such Sheriff, and the court to which such report has been made, may have entered up Judgement against said lands for the taxes, costs and charges severally due thereon, and such Sheriff or tax Collector may have been prevented from making sale of such lands for the taxes, cost and charges due thereon, in consequence of the refusal or failure of the publishers of any newspaper in which said lands are required by law to be advertised for sale, and such Sheriff or tax Collector may have been compelled to pay the taxes due on such lands into the public treasury, it shall be the duty of the Comptroller of the treasury to audit and settle the accounts of such Sheriffs and tax Collectors, and to issue his warrant to the Treasurer for the amount of money so paid by such Sheriffs or tax Collectors, upon lands which he may have so reported and may have been unable to sell in consequence of the refusal or failure of such publisher of any newspaper to advertise the lands for sale, and it shall be the duty of the Treasurer to pay the amount of such accounts.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 1, 1842.]

CHAPTER CI.

An act to regulate elections by the County Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in elections to be held by the county courts of this State, for county officers, it shall be the duty of the county courts to make such elections on the first day of the county courts: *Provided however,* that the Justices present on such first day, may, in their discretion, adjourn any election or elections, to the following day.

SEC. 2. *Be it enacted,* That the provisions of the fore-

going section of this act, shall apply as well to elections to be held to fill vacancies occasioned by death, resignation, or otherwise, of officers previously elected by the people, as to elections of officers, whose election is previously vested in the county courts.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 1st, 1842.]

CHAPTER CII.

An act for the relief of a portion of the citizens of Perry County: Whereas, the Tennessee River runs through the centre of Perry County, and subjects at least one half of the citizens of said County to much expense, and for remedy whereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Perry county be, and they are hereby authorised to appoint a surveyor on the West side of Tennessee River, in said county of Perry, under the same rules as are prescribed for the appointment of Surveyors South and West of the Congressional Reservation line. County Court to appoint trustees.

SEC. 2. *Be it enacted,* That a majority of the acting Justices of the peace for said county, on the first Monday in April, or at any subsequent term of said court, shall proceed to elect said Surveyor for that part of Perry county, under the same rules and regulations as heretofore made and provided for.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 1st, 1842.]

CHAPTER CIII.

An act to extend the limits of the corporation of the town of Lebanon, in Wilson County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the town of Lebanon be enlarged, and that the following shall in future be the boundaries of said corporation, to wit: Begin-

ning in the centre of the Lebanon spring branch, near an Elm, Cedar and Percimmon on the bank, marked as pointers; thence east, 240 poles, passing the road running north from the court-house, at 120 poles to a stake, with three small Cedars marked as pointers; thence south 240 poles, passing the main street at 120 poles, and the Lebanon and Sparta turnpike, at 138 poles to a stake, with a Honey Locust, Red Bud and three Cedars, marked as pointers, thence west 240 poles to a stake in Col. John Muirhead's field; thence north 210 poles to the beginning.

Duties of corporate authorities.

SEC. 2. *Be it enacted*, That the duties and powers of the corporate authorities of the town of Lebanon heretofore enjoyed and exercised by law, over the property of the citizens within the limits heretofore prescribed for said corporation, shall be equally enjoyed and possessed by said authorities, over the property and the citizens included in the boundaries prescribed in the first section of this act.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Jan. 31, 1842.]

Speaker of the Senate.

CHAPTER CIV.

An act to repeal an act declaring the Ocoee river navigable.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws heretofore passed, declaring the Ocoee river navigable, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the appropriation heretofore made for the improvement of the navigation of the Ocoee river, shall be applied to the improvement of the navigation of the Hiwassee river.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TUENEY,

Passed Feb. 1, 1842.]

Speaker of the Senate.

CHAPTER CV.

An act to make allowance to certain persons, purchasers and assignees of purchasers of reservations in the Hiwassee District for monies paid by them in defending the title of the State, and quieting the Indian title.

Whereas, by an act of the General Assembly of this

State, passed 29th January, 1840, entitled "An act for the relief of certain purchasers, and assignees of purchasers of reservations in the Hiwassee District: it was provided, that the Hon. Charles F. Keith should be a commissioner to examine into the claims of such purchasers, and assignees of purchasers, for moneys paid in quieting the Indian title, and to make them such allowance as he might deem equitable and just, and that he should report such allowances, with the reasons, to the present General Assembly; *and whereas*, the said Keith has made his report to the present General Assembly, whereby he has allowed to the several persons hereinafter mentioned, the sums severally hereinafter mentioned; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be allowed to Wiley Blair, the sum of thirteen hundred and eighty one dollars and thirty-two cents; to James Johnson the sum of three hundred and twenty-five dollars and fifty-two cents; to John Blair the sum of three hundred and five dollars and eighty cents; to William Tunnell the sum of two hundred and eighty-five dollars and eight cents, in discharge of the claims to them severally allowed in said report. Allowance, to Wiley Blair and others.

SEC. 2. *Be it enacted*, That in case any of said purchasers, or assignees of purchasers, mentioned in the first section of this act, have not made full and complete payment for the land purchased by or assigned to them, and are still in debt to the State of Tennessee; Therefore, that the whole, or so much of the sums above allowed to them, be retained by the Treasurer of the State, as may be sufficient to discharge such indebtedness, and in case full payment has been made to the State, or in case after discharging any indebtedness that may exist to the State as aforesaid, there should remain a balance due such purchasers or assignees of purchasers, the Treasurer of the State is hereby authorised, as the case may be, to pay over the whole amount of said allowance, or such balance as aforesaid, to said Wiley Blair, John Blair, James Johnston and William Tunnell, out of any moneys in the treasury, not otherwise appropriated. Provisions.

SEC. 3. *Be it enacted*, That the said Charles F. Keith, for his services, in examining into, and reporting upon said claims, be allowed the sum of one hundred and fifty dollars, to be paid by the Treasurer of the State, out of any moneys not otherwise appropriated. For the benefit of Charles F. Keith.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CVI.

An act to appoint Commissioners on Scott's Turnpike Road, leading through Fentress county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George McCormick, Hiram Millsaps, of Fentress county, and Nicholas J. Kington, of Morgan, are hereby appointed Commissioners upon Scott's turnpike road, leading through Fentress and Morgan counties, to have the same power, and receive the same pay, that other Commissioners have heretofore received.

SEC. 2. *Be it enacted*, That the term of time for which Moses Thompson, of Rhea county, shall have and enjoy the privileges of a turnpike charter, granted him by an act passed on the 30th day of January, 1840, shall be eighteen years from the passage of this act.

SEC. 3. *Be it enacted*, That _____ of _____ of the county of Polk, are hereby authorised to open and keep in repair, a turnpike road, commencing at, or near the mouth of Greasy Creek, on the Ocoee river, and running in the direction with said creek, opposite the big island, in the Ocoee river, from thence through Turtle and Duck town, and thence to the State line, in such direction as the proprietors of said road may think proper. Said road shall be opened at least twelve feet wide, where the ground will admit, and when necessary, shall be causewayed in a good and substantial manner, at least ten feet wide, and good and substantial bridges shall be constructed over all streams that require them, on said road, and said road shall be measured, and mile marked.

SEC. 4. *Be it enacted*, That said road shall be opened and put in complete order, as prescribed by this act, within eighteen months from the passage thereof, and it shall be the duty of said proprietors, to keep the road at all times in good repair, and should the same, at any time, after collecting toll thereon, as hereinafter provided, be out of repair for the space of two months, at any one time, the proprietor shall forfeit all the benefits and privileges granted by this act, and the fact of such failure to repair said road, shall, by the Commissioners hereinafter appointed, be ascertained and determined, and by them reported to the county court of Polk county, and by said court, be entered of record, when the interests of said proprietors, in said road, shall cease.

SEC. 5. *Be it enacted*, That when said road, shall, in the opinion of said Commissioners, be completed, as by this act required, they shall, in writing, authorise said pro-

prietors to erect a toll gate thereon, at such point as the proprietors, or assignees may think proper.

SEC. 6. *Be it enacted*, That said proprietors, their heirs, or assignees, shall have and enjoy the interest herein granted, in said road, for the term of thirty years, and shall be entitled to demand and receive toll at the following rates, to wit:

For each four wheel carriage of burthen, if drawn by four or more horses, mules, or oxen, one dollar; if drawn by three, seventy-five cents; if drawn by one, twenty-five cents; for each two wheel carriage, twenty-five cents; for each single man and horse, twelve and a half cents; for each led horse or mule, not in a drove, six and a quarter cents; if in a drove, three cents; for each head of hogs, or sheep, one cent; for cattle in a drove, three cents; for each four wheel pleasure carriage, if drawn by two or more horses, seventy-five cents; if drawn by one horse, twenty-five cents: *Provided*, that any person or persons, going to or returning from mill, or blacksmith shop, muster, court, or preaching, shall not be liable to pay toll.

Rate of toll.

SEC. 7. *Be it enacted*, That whenever said road shall be completed, as provided by this act, it shall be received by said Commissioners, whose duty it shall be to pass over and view said road, at least once in every two months, and if, at any time, the road shall be found out of repair, then the Commissioners shall order the said toll gate to be set open, and it shall be kept open until the road shall be put in good repair, and should said proprietors collect toll from any person during the time said gate shall be ordered to be kept open as aforesaid, the proprietors thereof, shall forfeit and pay the sum of ten dollars, to be recovered by the person injured, before any Justice of the Peace, in this State. Should any person arbitrarily pass said gate, or go around within one mile thereof, for the purpose of avoiding the payment of toll, such person so offending, shall forfeit five dollars, to be recovered by the proprietors, before any Justice of the Peace.

Commissioners to view road.

SEC. 8. *Be it enacted*, That the Commissioners hereinafter appointed, before they enter upon the discharge of their duties, under the provisions of this act, shall take an oath before some Justice of the Peace, of this State, honestly and faithfully to discharge the duties enjoined by this act.

Commissioners to take oath.

SEC. 9. *Be it enacted*, That _____ be appointed Commissioners for said road, who shall be entitled to receive from said proprietors, one dollar and fifty cents, for each day they shall be necessarily engaged in the examination of said road.

Commissioners fee.

SEC. 10. *Be it enacted*, That Alexander Montgomery, of the county of Roane, and Thomas Gillespie, of Rhea

county be, and they are hereby appointed Commissioners of Gordon & William Brown's turnpike road, who shall perform the same duties, and receive the same compensation for their services, and be subject to the same liabilities, as required of former Commissioners of said road.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CVII.

An act to prevent and suppress the issuing of Change Bills, or Tickets of any size or denomination whatever.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That after the first day of March next, if any person or persons, association, firm, copartnership, or corporation, either by themselves, agent, or clerk, shall issue any change bills, or tickets, or instruments of any amount or denomination whatever, whether the same be greater or less than one dollar, to be issued or passed as money, or in lieu of money, or to supply the place of change, or to be passed or circulated as currency or money, by delivery or endorsement, or otherwise, other than the notes, bills, or other authorised issues of the chartered Banks of Tennessee, such person or persons shall be liable to indictment or presentment, and on conviction, shall be fined in a sum not less than three thousand dollars, and imprisoned not less than six months, nor more than two years.

SEC. 2. *Be it enacted,* That if any person or persons, association, firm, copartnership, or corporation, either by themselves, agents, or clerks, shall, after having received or taken in any of the bills, tickets, or other instruments heretofore issued by them, shall again pay them out, pass, or put them in circulation, such person or persons, shall be considered guilty of issuing said bills, tickets, or other instruments, and shall be liable and punishable, as under the first section of this act.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CVIII.

An Act incorporating the Union University in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* And it is hereby enacted by the authority of the same, that William Martin of Smith county, Robert Boyte Crawford Howell, Charles Clay Trabue, Joseph Hopkins Marshall, Joseph Henry Shepherd, David W. Dickinson, Berwell Ganaway, Henry Maney, John J. Whitaker, W. W. Searcy, P. F. Norfleet, Lewis Reneau, Charles Watkins, Bradley Kimbrough and Liles E. Abernathy and their successors in office, be, and the same are hereby constituted a body politic and corporate, by the name of the Trustees of the Union University in the State of Tennessee; *Provided*, that in case a donation of twenty five thousand dollars shall be made to the University, by any person or persons, then the Institution may, by an act of the board of trustees, receive a name in honor of such benefactor or benefactors, or in accordance with his, her or their wishes, and by that name shall, and may have continual succession hereafter; said Institution to be located at their discretion, and shall be able in law to sue, and to be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and may have a common seal, and may change and alter the same at their pleasure, and also shall be able in law to take by purchase, gift, grant, devise, or in any other manner, and to hold any real and personal estate whatsoever; *Provided always*, that the clear yearly value of the real estate so to be acquired, shall not exceed the sum of twenty-five thousand dollars; *and provided also*, the principal and interest of which fund shall be used and applied to the promotion of education, and to no other purpose whatsoever, and also that they, the said Trustees, and their successors as aforesaid, shall have power to collect and receive all funds that have been in any way contributed or pledged with reference to the establishment, maintainance and support of said University, or for any of its purposes, and to apply the same, and to give, grant, bargain, sell, convey or otherwise dispose of all or any part of the said real and personal estate, as to them shall seem best for the interest of the University; *Provided*, that no portion of them be expended, vested or used in any manner other than in strict accordance with the will of the donor, pursuant to the provisions of this charter, and provided said donation shall not be contrary to the laws of the land.

Duty of trustees.

SEC. 2. The said fifteen Trustees, whose number shall never be increased, and their successors in office shall forever hereafter have full power and authority to direct and manage the funds for the benefit of the Institution, to prescribe and direct the course of study, and the discipline to be observed in the said University, to elect from their own number or otherwise, twelve persons, to be called the board of Fellows of the said University, and who may have a joint ballot with themselves in determining the course of study, and the conferring of all degrees, and said Trustees shall also have power to select and appoint a President of the University, and such Professor or Professors, Tutor or Tutors, who shall constitute a faculty for the government and education of the students, and such other officer or officers as the said Trustees shall seem mete, all of whom shall hold their offices during the pleasure of the Trustees; *Provided always*, that a member of the faculty shall be dismissed by the Trustees with cause previously stated to him in writing, and a full opportunity allowed him for his defence, and by a majority of the Trustees; *and provided further*, that no Professor or other officer shall be eligible to the office of Trustee.

SEC. 3. Any five of the said Trustees, lawfully convened, as hereinafter directed, shall be a quorum for the transaction of all business, except for the disposal of real estate, or for the choice of an instructor, or for the election of Trustees, for either of which purposes there shall be at least a majority of the whole number of the board.

President to be a member of board of trustees.

SEC. 4. The President of the University shall always be *ex officio*, a member of the Board of Trustees, and Chairman or President of the same, a Secretary and Treasurer of the Board shall be elected by the Trustees to hold their offices during the pleasure of the Board.

Power of trustees.

SEC. 5. The said Trustees shall have power by the majority aforesaid, to elect and appoint upon the death, resignation, or other vacancy of the place or places of any Trustee or Trustees, other or others in his or their place or places, or stead, as often as such vacancy shall happen, and also to make and declare vacant, the seat of any Trustee, who shall absent himself for any term of two successive years, or from any four successive meetings, duly notified, or shall otherwise prove himself deficient in official duty, or moral character, and they shall have power to meet from time to time upon their own adjournments, and as often as they shall be summoned by their Chairman or President, or in his absence, by the Senior Trustee, whose seniority shall be accounted according to the order in which the said trustees are named in this act, and shall be elected hereafter; *Provided always*, that the said Chairman or President, or

the Senior Trustee shall not summon a meeting of the corporation unless requested to do so in writing, by three of the members; and *Provided also*, that he cause notice of the time and place of said meeting, to be given in such manner as the trustees shall in their by-laws prescribe.

SEC. 6. The said trustees and their successors shall have power and authority to grant all such literary honors and degrees, as are usually granted by any University, College or Seminary of learning in this State, or in the United States, and in testimony of such grants, to give suitable diplomas under their seal, and the signatures of the President and Board of Trustees, which diplomas shall entitle their possessors respectively, to all the immunities and privileges which either by usage or by statute, are allowed to possessors of similar diplomas from any other University, Seminary or College of learning.

Further power
of trustees.

SEC. 7. The said trustees and their successors, shall have full power and authority to make all ordinances and by-laws, which to them shall seem expedient for carrying into effect the designs of their Institution; *Provided always*, that such ordinances or by-laws shall not make the religious tenets of any person or condition, of admission to any privilege in said University, and that no President, Professor, or other member of the Faculty shall be made intelligible for, or by reason of any religious tenet that he may possess, or be compelled by any by-law or otherwise, to subscribe to any religious tenet whatever; and *Provided also*, that none of the by-laws as aforesaid, shall be inconsistent with the constitution and laws of this State, or with the constitution and laws of the United States.

SEC. 8. *Be it enacted by the General Assembly of the State of Tennessee*, That John J. Burnett, Leroy E. Mitchell, Adam Ferguson, Wiatt W. Bailey, William Robinson and Martin W. Sloane, be, and they are hereby constituted a body politic and corporate, by the name of the Carthage Female Academy, in the town of Carthage, and by that name shall have succession and a common seal, and the said trustees and their successors, by the name aforesaid, shall be capable in law or otherwise, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattles, not exceeding fifty thousand dollars, which shall be given, granted, or delivered to them or by them purchased for the use and benefit of said Academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper, for the use and benefit of said Academy; and the trustees and their successors by the name aforesaid, may sue and be sued, plead and be impleaded in any courts of law or equity in this State, or elsewhere.

Body politic.

SEC. 9. *Be it enacted*, That the said trustees and their successors, shall have power to hold such meetings, at such times and places as may be agreed upon from time to time, by a majority of the Board of Trustees aforesaid, to appoint a President, Secretary and Treasurer of said Board, and may fill all vacancies that may happen by death, resignation or otherwise; *Provided*, that three members shall constitute a quorum to transact business relating to the management, interest and government of said Academy.

To make by-laws.

SEC. 9. *Be it enacted*, That said Board of Trustees, together with their Secretary and Treasurer, shall have power to make such by-laws, rules and regulations relating to the said Academy, and the government thereof, as a majority of said Board may deem right and proper; *provided*, they are not inconsistent with the Constitution and laws of the United States and of the State of Tennessee.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPETR CIX.

An act to incorporate the Tennessee State Agricultural Society.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Shelby, William G. Harding, Willoughby Williams and Talbot Fanning, of Davidson county, Edmond Dillahunt and Geo. W. Gordon, of Maury county, O. G. Findlay and T. Munford, of Wilson county, J. S. Claybrook, of Williamson county, Robert D. Carr, of Robertson county, F. H. Gordon, of Smith county, Beverly Nelson, of Rutherford county, Warner M. Yates and W. R. Brown, of Giles, J. P. Norfleet, of Montgomery, E. Bush and T. N. Douglass of Sumner, and J. A. Lane of White county, and all the members of said society, and their successors be, and they are hereby incorporated and made a body politic, by the name and style of the Tennessee State Agricultural Society, with full power and authority, by that name and style, to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and to have and use a corporate seal, and the same to change or alter at pleasure.

SEC. 2. *Be it enacted*, That the capital stock of said company, may be one hundred thousand dollars, in shares of fifty dollars each, and that any portion thereof, may be

made up by voluntary donations, to be accepted on such terms and conditions, as may be agreed on between said company, and the donor.

SEC. 3. *Be it enacted*, That for the purposes hereinafter mentioned, a majority of the persons whose names are mentioned in the first section of this act, shall have power to appoint such person or persons as they may think proper, to open books, at such times and places, as they may direct, to receive subscriptions of stock, in said company, or to act as agents in soliciting contributions or donations, to carry into execution the objects of said society. To open books.

SEC. 4. *Be it enacted*, That the stockholders, and others, who may be members of said society, or a majority of them, shall choose seven directors, before the business of said company shall commence, one of whom shall be chosen President, and the President and directors, shall hold their offices for ten years, or until successors are appointed. To choose Directors.

SEC. 5. *Be it enacted*, That the President and directors, or a majority of them, (which shall always constitute a board to do business,) shall have power to make all necessary by-laws, for the regulation and government of the company, and for the management of their business, not inconsistent with the constitution and laws of the United States, or of this State, and to appoint such agents and officers, as they may deem necessary, for the transaction of the affairs of the company. To make by-laws.

SEC. 6. *Be it enacted*, That the stock of said company, shall be assignable, but no transfer shall be valid until the same shall be entered in a well bound book, to be kept by the directors for that purpose.

SEC. 7. *Be it enacted*, That said company shall have power to establish an Agricultural College, in any county in this State, to be connected with an experimental farm, or otherwise, as a majority of said company shall determine, and for that purpose, the said company shall have power to acquire by purchase or donation, and to hold, sell, or convey the same, not more than five thousand acres of land, and to buy, sell, or otherwise dispose of such personal property as may be necessary to accomplish the objects of said society. To establish an Agricultural college.

SEC. 8. *Be it enacted*, That in the election of directors, the stockholders, or members, shall have the right of voting by written proxy, each member or stockholder to have one vote, and the directors, so elected, shall have power to employ teachers and professors in said Agricultural College, who may confer the usual literary degrees on the students of the Institution, direct the course of study, and the manual To vote by proxy.

labor and Agricultural operations, which shall be prosecuted on an experimental farm, should one be established, and to do all other things deemed expedient or proper, in the opinion of said board of directors, to promote scientific and improved husbandry in this State.

Course of study.

SEC. 9. *Be it enacted*, That should said College be established, a thorough and liberal course of study embracing the general range of sciences taught in the highest literary institutions of this country, shall be adopted by the teachers, and professions including practical Agriculture, in all its various departments, together with Horticulture, Orchardng, and such other branches of rural employment as may be deemed essential to the success of the Practical Cultivator.

SEC. 10. *Be it enacted*, That so soon as said College shall be established, it shall be the duty of the Governor of this State, to appoint three visitors, one of whom shall reside in each of the grand divisions of this State, whose duty it shall be to attend the meetings of said society, once in every two years, and report the condition thereof, to each regular Session of the General Assembly, showing the progress said society is making in the promotion and accomplishment of the objects of its formation, together with such other facts and information relative thereto, as they may deem useful.

SEC. 11. *Be it enacted*, That the Legislature shall have power, at any time, to alter, amend, or repeal this charter, whenever in their opinion, the public good requires it.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER CX.

An act directing the Internal Improvement books, records and papers, to be transferred from the office of the Secretary of State, to the office of the Comptroller of the Treasury, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all books, records and papers, relating to the several Internal Improvement Companies, in which the State is interested, be transferred from the office of the Secretary of State to the office of the Comptroller of the Treasury, and that said books, records and papers shall hereafter be, and form a part of the records of the office of the said Comptroller, and transcripts of said books, records

and papers, certified by the Comptroller, shall be received as evidence in the courts of law and equity in this State.

SEC. 2. *Be it enacted*, That it shall be the duty of the Comptroller to open in a book, procured for the purpose, an account with each Internal Improvement Company, in which he shall charge the Company with the amount of State Bonds heretofore issued, and such as may be hereafter issued, and credit the same with the amount heretofore paid, and the amount which may hereafter be paid by individual stockholders; and that said Comptroller be further required to prepare a book, in which he shall register the bonds of the State heretofore issued, or which may hereafter be issued, showing the amount of bonds issued to each company, together with the number, letter and date of each bond, and that in order to enable the Comptroller to prepare said Register, he shall have access to the Register kept in the Bank of Tennessee.

Duty of Comptroller.

SEC. 3. *Be it enacted*, That it shall be the duty of the Comptroller, in regular reports to the General Assembly, to report the amount of State Bonds issued to each Company, and that he further show in said reports the amount received in dividends from each Company.

Further duty.

SEC. 4. *Be it enacted*, That so much of an act passed on the 25th of January, 1840, as makes the Governor, Comptroller and Attorney General, a Board of Internal Improvement, be, and the same is hereby repealed, and that in lieu thereof, the Comptroller, President of the Bank of Tennessee, and the Secretary of State shall compose a board of Internal Improvement, of which the Comptroller shall be chairman, and shall perform all the duties of the former board, and keep regular minutes of all their proceedings.

Board of Internal improvement

SEC. 5. *Be it enacted*, That it shall be the duty of the Board hereby appointed, in addition to the duties prescribed in the act of 25th January, 1840, to require each Internal Improvement Company to make a report semi-annually to said Board, in which the Company shall show the condition and progress making in their work. A failure or refusal on the part of any Company or Companies, shall operate as a cause of suspension of the further issue of the bonds of the State to such Company or Companies.

Duty of Board.

SEC. 6. *Be it enacted*, That whenever said Board shall discover fraud in the transactions of any Company or Companies, in violation or evasion of their charters, with a view to defraud the State, the said Board shall forthwith report the facts to the Governor, whose duty it shall be, to cause the Attorney General of the State, either by himself or the Attorney of the District, to commence such legal proceedings, as are required by the act of 25th of January, 1840.

Further duty.

Board to report.

SEC. 7. *Be it enacted,* That said board, one week before the meeting of each Session of the General Assembly, shall make a report to the Governor of their proceedings, all such information as they may be enabled to obtain, touching the condition conduct and progress of each Internal Improvement Company, which report the Governor shall lay before the General Assembly.

SEC. 8. *Be it enacted,* That when the said board of Commissioners shall be satisfied that any Internal Improvement Company has complied in good faith with all the requirements of their respective Charters, and they are entitled to receive payment of the State, then they shall communicate the same to the Governor, in writing, the amount said Company is entitled to, who shall forthwith execute and deliver the amount of the same in Bonds to the Bank of Tennessee, as required by law.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPTER CXI.

An act for the relief of John Bell, Sheriff of Coffee County.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of the State of Tennessee, upon the warrant of the Comptroller, which the Comptroller is hereby directed to issue, pay to John Bell, Sheriff of Coffee county, one hundred dollars, out of any money in the Treasury, not otherwise appropriated; it being the amount paid by him as a reward for the apprehension of James Sartin, charged with murder, and who had escaped from the jail of said county.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPTER CXII.

An act to compel the Judges of the Supreme Court to give written opinions in all cases, in their Court, including its present term; and the Reporter of the State to report the same.

Be it enacted by the General Assembly of the State of

Tennessee, That the Judges of the Supreme Court of this State, are hereby directed to give written opinions in all cases, in their Courts, except actions, in which there is no defence; and the Attorney General and Reporter of the State, shall report the same where any principle shall be settled, or former opinion overruled.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXIII.

An act to provide for and regulate the Inspection of Tobacco.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Justices of any county court in this State be, and they are hereby authorised and required, at any quarterly term of said court, to grant to any person or persons who may apply therefor, and who will comply with the requisitions of the second section of this act, a license to keep a warehouse for the public inspection of tobacco, which license shall be signed by the clerk of said court, and for the issuance of which, he shall receive the sum of one dollar from the person on whose behalf it is granted.

SEC. 2. *Be it enacted*, That every person or persons applying for such license in the manner already prescribed, shall be required to prove by the testimony of at least three impartial and disinterested witnesses, known to the court, before which they may appear, to be well qualified from their knowledge and experience to be competent judges of the matter, that he or they are the owners of a good and sufficient warehouse, situated so as to be exposed to no extraordinary danger from fire, and furnished besides with all the implements necessary to the accurate weight and inspection of Tobacco, such as a good and sufficient beam, prizes, blocks, tackles, weights and scales, proper marking irons, &c.

SEC. 3. *Be it enacted*, That it shall be the duty of the owner or owners of each and every warehouse licensed under the provisions of this act, to keep his or their warehouse in good repair, and in case of his or their failure to do so, he or they shall forfeit and pay the sum of two hundred dollars, and shall also be liable to an action for damages sustained by any owner of Tobacco, on account of such

Applying for license.

Duty of owner of warehouse.

warehouse being out of repair, and it shall be the duty of the inspector or inspectors of the respective warehouses, to inform against any proprietor suffering his warehouse to be out of repair as aforesaid, and any inspector knowing the warehouse of which he is an inspector to be out of repair as aforesaid, and not informing some Judge, Justice or Grand Jury of the same, shall forfeit a sum not exceeding one hundred dollars.

Duty of Justices.

SEC. 4. *Be it enacted*, That when a warehouse is licensed under the provisions of this act, it shall be the duty of the Justices, or a majority of the Justices of the county court, except the county of Davidson, granting such license, to choose by ballot, at the same or any subsequent term of said court, four persons to act as inspectors of all tobacco stored in said warehouse, and in any other warehouse or warehouses that may thereafter be licensed at the same port, town, landing, or place of market; and the persons so chosen, shall be known to be well skilled in the curing and packing of tobacco, and good judges of the order, quality and condition thereof, and well qualified and capable, firm integrity, reputation and diligence to discharge the duties of their office, and shall, on a certificate of election from the Clerk of the county court by which it may have been made, be commissioned by the Governor of the State, and shall continue in office for the term of two years, and until their successors are appointed and qualified. All vacancies occurring in the office of inspector, by death, resignation, removal or disqualification, shall be filled by appointments made by the Governor of the State: *Provided*, That the inspectors at the city of Nashville, for which there shall be four inspectors, shall be appointed and commissioned by the Governor of the State, for the same length of time, and under the same rules, regulations and restrictions, as other inspectors that may be appointed under this act.

Oath to be taken

SEC. 5. *Be it enacted*, That every inspector, before he acts as such, shall take the following oath or affirmation of office, viz:—"I, A. B., appointed Inspector at—— warehouse (or warhouses, as the case may be,) established for the public inspection of tobacco at——, in the county of——, do swear, or solemnly, sincerely and truly affirm, that I will diligently and carefully uncase, break, or cause the same to be done in my presence, and will examine all tobacco which I shall be called upon to view and inspect at the said warehouse, (or warehouses, as the case may be,) or at any other public warehouse, and that I will not receive any tobacco that is not, in my judgment, sound, clean, in good order and condition, and merchantable: and that I will receive, pass and mark, all tobacco that is, in my judgment,

sound; clean, in good order and condition and merchantable; and that I will, in all things, well and faithfully discharge the duties enjoined on me by the laws of Tennessee, as an inspector of tobacco, according to the best of my skill and judgment, without fear, favor, affection, malice or partiality. So HELP ME GOD." Which oath or affirmation may be administered by any Justice of the Peace for the county where the inspector may reside.

SEC. 6. *Be it enacted*, That every inspector, before he executes any part of the duties of his office, shall enter into bond before the County Court, with three good and sufficient securities, such as the said Court shall approve, in the penalty from five hundred to ten thousand dollars, at the discretion of the court, taking the same payable to the Governor of the State, and his successors in office, with the condition that he, the said inspector, will diligently and carefully uncase and break, or cause the same to be done in his presence, view and examine all tobacco brought to the warehouse or warehouses at which he is inspector, which he shall be called upon to view and inspect at the said warehouse, and that he will, in all things, well and faithfully execute and discharge his official duties, according to the best of his skill and judgment, and according to the direction of the laws of Tennessee; and shall immediately afterwards send the original bond to the office of the Secretary of State, there to be safely kept, and an attested copy of the said bond from either of the said records, shall be as good evidence in law, to maintain an action of debt for any breach of the condition of said bond, as if the same was actually produced and moved in court; and suit may be brought on the same bond, by any person entitled as holder of any note of such inspector for the non-payment, or not delivering the tobacco mentioned in such note, and on non-suit or judgment for defendant, the person suing on such bond shall be liable for costs; and if the same person shall be continued inspector, he shall, at every time of re-election, give bond as aforesaid.

SEC. 7. *Be it enacted*, That every inspector shall uncase and break every hogshead of tobacco, or cause the same to be done in his presence, which he may be called on to inspect as aforesaid, in not less than two different places; and if the inspector or inspectors, as the case may be, shall be of opinion that such tobacco is sound, clean, in good order and condition, and merchantable, he or they shall weigh, or cause to be weighed, in his or their presence, such tobacco, in scales, with weights of the lawful standard, and shall weigh the hogshead, which the inspector or inspectors shall mark, or cause to be marked, in his or their presence, on the head and bulge, with the name of the warehouse, the tare of the

To enter into bond.

Inspector's duty

hogshead, and quantity of nett tobacco therein contained, and also mark on the head of the hogshead, with marking irons, the initials of the name of the owner, and the number of hogsheads then inspected. And when two inspectors are appointed, if they cannot agree to pass any hogshead of tobacco, they shall, without delay, or as soon as may be, conveniently, call an inspector from the next adjacent inspection, who shall determine the difference, and pass or reject such tobacco; but in case the next adjacent inspector be distant more than five miles, the inspectors disagreeing may call in as an arbiter, any disinterested citizen, known to be well skilled in the curing of tobacco, and a good judge of its qualities: *Provided*, that any owner of tobacco, who objects to the decision of the inspectors at any warehouse, in regard to the quality of his tobacco, shall be at liberty to withdraw it, and make afterwards what disposition of it he may please.

Further duty. SEC. 8. *Be it enacted*, That the inspector or inspectors who shall pass any tobacco, shall deliver as many notes, under the hand of the inspector, to the owner, and in his name, as shall be required, not exceeding in number, however, the number of hogsheads inspected for such owner, in which note a receipt shall be expressed, the time and place of reception, the mark, the warehouse, number, and the gross, tare, and nett weights of all tobacco inspected and passed; and also in the note shall be expressed what is the quality of said tobacco, ascertained and defined according to the provisions of this act, and the said notes shall also be made payable to the said owner or bearer.

Inspector to keep a book.

SEC. 9. *Be it enacted*, That the inspector or inspectors, shall carefully enter into a book, to be provided and kept for that purpose alone, an account of every hogshead of tobacco, received, passed and marked by him or them, which account shall state the quality of every such hogshead of tobacco, its mark with its gross, tare and nett weight, and also the names of the person or persons by whom it was stored, as well as of the person or persons by whom it was removed, either for consumption, manufacture or merchandise.

SEC. 10. *Be it enacted*, That the distinctions in the quality of tobacco, made by inspectors, appointed under the provisions of this act, and specified in the notes to be given by such inspector, and in the book mentioned in the preceding section, shall be the same, as are for the time being recognized and in use in the market of the city of New Orleans, in the State of Louisiana.

SEC. 11. *Be it enacted*, That for the purpose of securing to the tobacco planter of Tennessee, the advantages

to be derived from packing their tobacco in hogshheads of dimensions adapted to the convenience of shippers, it shall be the duty of inspectors to state in all descriptions of tobacco, made in the notes or receipts, specified in the sixth section of this act, whether such tobacco is, or is not contained in hogshheads of the measurement, in length and diameter, best suited to the market of New Orleans, and shall also keep either a written or printed statement of such measurement at all times posted up in some conspicuous part of every warehouse, at which they are required by law to attend in their official capacity.

SEC. 12. *Be it enacted*, That if any notes of any inspector or inspectors be lost or mislaid or destroyed, the person entitled to receive the tobacco by virtue of any such note or notes, shall make oath or affirmation before a Justice of the Peace of the county where the same is payable, to the mark, number and date of such note, to whom and where payable, and for what quantity of tobacco the same was given, and that such note or notes was lost, mislaid, or destroyed, and that such person at the time such note or notes was lost, mislaid or destroyed, was lawfully and justly entitled to receive the tobacco therein mentioned, and shall take a certificate thereof from such Justice, and upon producing such certificate to the inspector or inspectors who signed such note or notes, and lodging the same with him or them, the said inspector or inspectors of the said tobacco mentioned in the said note or notes, shall deliver to the person obtaining such certificate, a new note or notes with the marks, numbers, weights and dates, corresponding with the former note or notes lost or mislaid, and shall be thereby discharged from all actions and demands on account of such notes, and if any person shall be convicted of taking a false oath under the provisions of this section, he shall be punished as in case of wilful and corrupt perjury, and any person selling or producing a forged certificate, knowing the same to be forged, shall on conviction, be liable to the penalties by law prescribed in other cases of forgery: *Provided*, That no person shall be entitled to a new note, in lieu of any note lost, destroyed or mislaid, as aforesaid, unless he or she shall advertise the same within twenty days after such note is first discovered to be lost, mislaid or destroyed, at the court house door of the county, and the door of the warehouse at which such tobacco was inspected, and also in some newspaper of extensive circulation, in the county where the owner of such note or notes may reside.

SEC. 13. *Be it enacted*, That if any person shall forge or counterfeit any note of any inspector or inspectors, or alter the quantity or quality of any tobacco as expressed in

Notes lost or mislaid.

Penalty for forging note.

such note, or shall offer, or cause to be offered for sale any such forged, counterfeited or altered note, knowing the same to be forged, counterfeited or altered, or demand tobacco of any inspector or inspectors upon any forged, counterfeited or altered note, knowing such note to be forged, counterfeited or altered, he shall on conviction, undergo the same punishment that is by law prescribed for the crime of forgery, and if any person shall put or pack any tobacco into any hogshead marked by any inspector or inspectors in lieu of tobacco inspected, or shall draw or take out any stave plank or heading board of any hogshead of tobacco, after it shall be delivered out from any public warehouse, unless it be for the purpose of examining the quality of the tobacco, by a person intending to purchase the same, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished accordingly.

SEC. 14. *Be it enacted,* That no inspector or inspectors shall take or convert to his or their own use, or otherwise dispose of any draughts or samples of tobacco drawn out of any hogshead; but shall deliver the same to the owner or other person offering the same for inspection, under the penalty of five dollars for each and every hogshead from which such draughts or samples may have been taken and thus illegally appropriated.

SEC. 15. *Be it enacted,* That no inspector shall directly or indirectly, during his continuance in office, buy or receive any tobacco by way of barter, loan or exchange, or any way intermeddle with or busy himself in procuring tobacco to be sold or consigned to any merchant or other person, except the proper tobacco of such inspector, under the penalty of twenty dollars for every hogshead of tobacco so bought or received, or procured to be sold or consigned, contrary to this act: *Provided,* That any inspector may receive his own proper rents or debts in tobacco.

SEC. 16. *Be it enacted,* That if any person shall erase, or in any wise alter or deface any letter, mark, number or figure, set upon any hogshead of tobacco by any inspector; or if any person shall counterfeit any letter, number or figure, on any hogshead, such person shall be deemed guilty of a misdemeanor, and on conviction, shall be punished accordingly.

SEC. 17. *Be it enacted,* That if any inspector shall accept or receive directly or indirectly, any gratuity or reward for any thing by him done in pursuance of this act, other than his legal fees—any such inspector being thereof convicted, shall forfeit and pay to the use of the State, the sum of five hundred dollars, and shall be ever thereafter disabled from holding the office of inspector; and if any person shall

offer any gratuity, reward or bribe, to any inspector, for any thing by him to be done in pursuance of this act, and shall be thereof convicted, such person shall, for every such offence, also forfeit and pay the sum of five hundred dollars to the use of the State.

SEC. 18. *Be it enacted*, That when and as often as a new inspector or inspectors shall be appointed, in the place of the inspectors who served at the same warehouse the preceding term of office; the said new inspector or inspectors shall, within ten days after he or they shall be qualified and sworn as an inspector or inspectors, make out two fair inventories in writing, signed by such new inspector or inspectors, of all the tobacco then in the same warehouse, which tobacco the old inspector or inspectors are hereby obliged and directed to deliver, in good order, to the new inspector or inspectors, describing the said inventories, the marks, numbers, gross, tare, and nett weight of such tobacco, and shall sign a receipt at the foot of each inventory for all such tobacco received from the old inspector or inspectors, and shall deliver both inventories to the old inspector or inspectors, the one of which inventories shall be by him or them lodged within ten days thereafter, with the clerk of the county court, under the penalty of three hundred dollars, on each inspector neglecting to make such inventories, and the same penalty on the old inspector or inspectors, for the use of the State, who shall neglect to lodge the same with the clerk of the county court, within ten days after such inventories shall be delivered to him or them, unless a reasonable excuse can be afforded by such new or old inspector for any such neglect, and the new inspector or inspectors is, and are hereby declared to be answerable to the owners of any notes mentioned and described in such inventories, so far as to produce the same hogshead or hogsheads of tobacco belonging to any owner; and the said new inspector or inspectors shall be liable for and answerable to the old inspector or inspectors, for all damage that shall happen to such tobacco mentioned in the inventories aforesaid, through the negligence of the said new inspector or inspectors, during his or their continuance in office.

SEC. 19. *Be it enacted*, That the Judges of the several circuit courts of this State be, and they are hereby required, at all the courts which they hold in counties where a tobacco inspection is established, to give this act in charge to the Grand Jury, and to direct said Jury to make diligent enquiry in regard to any breaches of this act, and particularly in regard to the conduct of the inspectors.

SEC. 20. *Be it enacted*, That it shall be the duty of the Justices of the county court, in any county where an inspection is established.

tion of tobacco may be established, under the provisions of this act, to fix a rate of fees for the inspector and cooperage, and of charges for the storage and delivery of tobacco, which shall be uniform at every licensed warehouse in such county, and shall be determined with a regard to the custom of the market in that county, or the nearest county adjoining, in which such charges have been by custom established. But the aggregate amount of such fees shall in no case, exceed one dollar fifty cents per hogshead; and liability for their payment shall be divided between the person offering the tobacco for inspection, and the person removing it from the warehouse—the first paying the charges of inspection and cooperage at the time when he receives his note or notes from the inspector, and the second, the charges for storage at the time when the tobacco is delivered to him for removal.

Further duty
of Justices.

SEC. 21. *Be it enacted*, That it shall be the further duty of the Justices of the county court, in every county where an inspection of tobacco may be established under the provisions of this act, to designate and prescribe the times at which the inspectors shall attend at their several warehouses, in said county, for the performance of the duties of their office, and any inspector failing to attend as directed, shall forfeit the sum of ten dollars for every day of the period prescribed, during which he shall absent himself from his post, without good and reasonable excuse for his non-attendance.

SEC. 22. *Be it enacted*, That nothing herein contained shall be construed as forbidding any owner of tobacco from selling or exporting the same, without submitting it to inspection.

SEC. 23. *Be it enacted*, That all laws and parts of laws, inconsistent with the provisions of this act be, and the same are hereby repealed.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5. 1842.]

CHAPTER CXIV.

An act for the relief of, and to refund to Samuel R. Hackett, late Sheriff and Tax Collector of Rhea County, the sum of forty four dollars and forty-nine cents, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of*

the State of Tennessee, That the Treasurer of the State pay to Samuel R. Hackett, late Sheriff and Tax Collector of Rhea county in said State, upon the warrants of the Comptroller, thirteen dollars sixteen and a half cents, out of any moneys not otherwise appropriated.

SEC. 2. *Be it enacted*, That the county court of Rhea county, is hereby authorised to refund and appropriate to Samuel R. Hackett, late Sheriff and Tax Collector for said county, upon his producing satisfactory proof, that he has paid the full amount of the county tax for the year 1835, the sum of thirty-one dollars and thirty-two and a half cents, if they shall be satisfied that the amount was levied upon a portion of Rhea county, which had previously been attached to McMinn county, and therefore, that said amount had not been collected by said Tax Collector.

Appropriation
to Samuel R.
Hackett.

SEC. 3. *Be it enacted*, That the Treasurer of this State be, and he is hereby authorised upon the warrants of the Comptroller of the Treasury, which warrants the said Comptroller is hereby required to grant, to pay to John England, the sum of fifty dollars, for bringing a lunatic pauper from White county to the Lunatic Asylum at Nashville, as deputy Sheriff of said county, according to a resolution of the General Assembly, adopted the 22d January, 1842.

Pay to John
England.

SEC. 4. *Be it enacted*, That the Treasurer of this State be, and he is hereby authorised upon the warrant of the Comptroller of the Treasury, which warrant the said Comptroller is hereby directed to grant to pay to — Saunders, the deputy Sheriff of Rutherford county, the amount that may be due him for bringing a lunatic pauper from said county, to the Lunatic Asylum at Nashville, according to a resolution of the General Assembly, passed 22d January, 1842.

Pay to —
Saunders.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXV.

An act to amend the laws for the collection of Corporation taxes in the town of Knoxville, and the town of Charlotte, and for other purposes.

SEC. 1 *Be it enacted by the General Assembly of the State of Tennessee*, That the town constable or tax collector for the corporation of the town of Knoxville, shall have the same power and authority in the collection of the taxes

that are now, or hereafter may become due to the said corporation, that sheriffs and collectors of the State and County taxes now have by the existing laws of this State, to collect the public revenue thereof, and if the said corporation officer shall levy on any property, either real or personal, the same shall be sold subject to the laws that govern cases where property has been levied on to satisfy State and County taxes.

SEC. 2. *Be it enacted*, That the provisions of this act be extended to the corporation of the town of Charlotte, in the county of Dickson.

SEC. 3. *Be it enacted*, That one of the constables elected for the district in which the town of Huntingdon, is situated, in the county of Carroll be, and he is hereby authorised to do and perform the duties of town constable in said town.

SEC. 4. *Be it enacted*, That the Mayor and Aldermen of the town of Huntingdon, may select from the two constables in their district, the one to whom shall be entrusted the business of the corporation of the town of Huntingdon.

SEC. 5. *Be it enacted*, That for the performance of such business as is contemplated in the foregoing sections of this act, the constable by whom such duties is performed, is hereby entitled to such fees as may be allowed him by the Board of Aldermen in the town of Huntingdon.

SEC. 6. *Be it enacted*, That the eighth civil district, including the town of Surgoynesville, in the county of Hawkins, shall, on the fifth day of March next, elect one additional Justice of the Peace for said town and district.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXVI.

An act to ensure a more efficient management of the Lunatic Asylum.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That out of any monies in the Treasury of the State, not otherwise appropriated, the sum of six thousand dollars shall be subject to the order of the Treasurer of the board of Trustees of the Lunatic Asylum, to be expended by said board, according to existing provisions of law in the employment of labor and the purchase of articles of indispensable necessity in conducting the affairs of the In-

stitution, and in the payment of the salaries of its officers, ^{Salaries of officers.} as already prescribed by law, and in defraying the expense of maintaining such lunatic paupers as may be received amongst the number of its inmates, and also in making the alterations in the building and the grounds attached to it, and the additions to the furniture of the institution, and its means of promoting the cure of insane persons, that are hereinafter directed: *Provided*, that said board of trustees, in making such alterations in the Asylum, and such additions to its means of usefulness, shall not expend a greater sum than one thousand dollars.

SEC. 2. *Be it enacted*, That no portion of the funds of said Asylum, shall be expended in the completion or the furniture of its apartments, unless such expenditure be made necessary by an increase of its inmates, beyond the number that can be suitably accommodated in the rooms that are now finished, and ready for the reception of patients.

SEC. 3. *Be it enacted*, That in the management of said asylum, it shall be the duty of said board of trustees, ^{Duty of board of Trustees.} so to conduct its operations, that its advantages shall be as widely diffused as possible, and shall not be confined to any limited portion of the population of the State.

SEC. 4. *Be it enacted*, That the board of trustees of said institution, shall, at the next and every subsequent time of its appointment be so organized, that it shall comprise three Physicians, known to the Governor of the State to be men of good report in their profession.

SEC. 5. *Be it enacted*, That it shall be the duty of the said board of trustees, according to a plan to be recommended by the physicians who are members of said board, acting in conjunction with the attending physician, and approved of by a majority of the whole board, to make such alterations in the Asylum itself, and in the grounds attached to it, as may be necessary to ensure such a separation of the different classes of Lunatics, as is essential to their proper treatment, medical as well as moral, and in said plan to be thus recommended, and thus adopted. shall be comprehended also, a scheme of arrangements, which will enable the officers of the Institution to put such of the Lunatics as may be designated by the attending Physician, at such employments as will tend to their restoration, or make them serviceable in defraying the expenses incident to the management of the Institution, or to making proper improvements either in the grounds or buildings. ^{Further duty of Trustees.}

SEC. 6. *Be it enacted*, That the said board of trustees ^{Trustees empowered.} be, and they are hereby empowered to make, in accordance with the advice of the Medical men connected with the Institution as aforesaid, all necessary provision to ensure to the

patients of the Asylum, such means of bodily exercise and of amusement and recreation, as constitute a proper part of the treatment of such patients, and in every instance where the pecuniary resources of the patient will justify it, to make the benefit of such means of exercise, amusement and recreation, the subject of an extra charge in rendering the account of the Lunatic who is permitted to enjoy them.

To publish statement of the institution.

SEC. 7. *Be it enacted*, That the said board of trustees shall, at a period as early as practicable, publish, and shall defray the expense thereof, out of the funds of the Asylum, four thousand copies of a compendious statement of the rates, charges, and the regulations of the Institution, accompanied by a judicious appeal to the guardians and friends of Lunatics, and setting forth the reasons why persons, so diseased, should be consigned to the charge of a public Institution, and that said publication shall be distributed by the attending Physician of the Asylum, under the direction of the board of trustees, in the manner best calculated to effectuate the objects of ensuring an extension of the benefits of this important charity, the cost of publication herein specified however, shall not exceed the sum of one hundred and fifty dollars.

SEC. 8. *Be it enacted*, That when any Lunatic pauper shall be sent from any county in this State to the Hospital, and said county has no inmate in said Hospital, said Lunatic shall have the preference of any Lunatic who may be presented from any county that has already had an inmate in said Hospital.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXVII.

An act to secure the estates of Orphans.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of all guardians having charge of the estates of orphans, to renew their bonds for the faithful performance of their duties at the county courts, to be held in July next, at which time the guardian shall furnish to the court, a statement or list of the property and effects of the ward, and such guardian and the security then given, shall be bound, in the first instance therefor, and

for the performance of all the duties of guardian, and should such guardian fail to comply with the provisions of this act, it shall be the duty of the county court where the guardian has been appointed, to remove such guardian from office, and appoint another guardian in the room and stead of the former one, who shall give bond and security as in other cases.

SEC. 2. *Be it enacted*, That the guardians hereafter appointed, shall renew their bonds every two years, from and after the time they are appointed, under the same rules, regulations and restrictions, as are prescribed in the first section of this act, and all guardians whose bonds shall be renewed in July next, shall in every subsequent period of two years, renew their bonds as prescribed in said section. To renew bonds.

SEC. 3. *Be it enacted*, That the county court shall take from the guardian appointed, or whose obligation shall be renewed as aforesaid, bond with good and sufficient security, in double the value of the estate of such ward, conditioned as the law directs, and should such court knowingly fail in the performance of their duty, the Justices present shall be liable themselves, both at law and in equity, to such ward, for any damage sustained thereby.

SEC. 4. *Be it enacted*, That all guardian's, administrator's or executor's bonds, that may hereafter be given to the several county courts in this State, shall be endorsed by the Chairman of the court, (or such Justice as may be appointed to preside in his stead,) approved by the court, and sign his name thereto, before the same shall be received by the clerk: *Provided*, if any such bond shall be executed and not so endorsed, the obligor or obligors, shall be bound to the same extent as if the endorsements required by this act, had been made upon said bond. Bonds to be endorsed.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXVIII.

An act to incorporate the Montgomery Wharf Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William A. Whitaker, David Brander, A. D. Witherspoon, Allen Johnson and Robert S. Moore, are hereby appointed commissioners for Commissioners to open books.

the purpose of opening books and receiving subscriptions of stock to the amount of ten thousand dollars, to be applied to the purpose of making a wharf on the Cumberland river, at Clarksville, which sum of ten thousand dollars shall be divided into shares of fifty dollars each.

Meeting of the
Stockholders.

SEC. 2. *Be it enacted*, That as soon as the sum of five thousand dollars shall be subscribed, a meeting of the stockholders shall be held in the court-house, in the town of Clarksville, of which meeting, the managers shall give thirty day's public notice, in the Clarksville Chronicle, after which said first meeting, the subscribers are hereby constituted a body politic and corporate, by the name and style of the Montgomery Wharf Company, and in their corporate name may buy and sell property, sue and be sued, plead and be impleaded, and have, enjoy, and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law, and shall have succession for twenty years.

To elect direc-
tors.

SEC. 3. *Be it enacted*, That the subscribers, or a majority of them being present at their first meeting, shall elect three directors, who shall be stockholders, who shall elect one of their number President, and the President and directors, shall be and continue in office for two years, and until their successors are elected and qualified.

Directors to open
books.

SEC. 4. The President and directors thus chosen, shall have power to open books, and receive subscriptions, as they may think best for the remainder of the sum sufficient to complete said wharf; they shall also from time to time, require such advances on the shares subscribed, as the wants of the company may require.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXIX.

An act to change the time of holding the circuit courts in the county of Giles, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the times of holding the circuit courts for the county of Giles, in said State, as now established by law, be changed, and that said courts be holden on the first Mondays in April, August and December, in each year.

SEC. 2. *Be it enacted*, That this act shall take effect from and after the next February term of said court, and that all writs and other process, instead of being returned as heretofore, shall be made returnable to the times fixed by this act, for the holding of said courts, respectively. When to take effect.

SEC. 3. *Be it enacted*, That the citizens of Macon county, shall have the right to file their bills in Chancery, either at Gallatin or Carthage, as best suits their convenience.

SEC. 4. *Be it enacted*, That the next circuit court for the county of Hickman, shall be held at the time now prescribed by law, and forever hereafter, the circuit courts for said county, shall be held on the third Monday in August, December and April, in each and every year.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed 5th Feb. 1842.]

CHAPTER CXX.

An act to provide for the payment of certain public charges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever by law, it may have been made, or hereafter may be made the duty of the Treasurer or other public officer, to publish or to procure to be published, any proclamation, report, or other advertisement, the fee for publishing the same, shall be paid out of the Treasury of the State, unless otherwise provided. Duty of Treasurer.

SEC. 2. *Be it enacted*, That before the same shall be paid, it shall be necessary that the Treasurer or other officer, by whose order or direction such publication may have been made, to require a statement of the account to be made to him in writing, distinctly setting forth the items, and the amount charged for each, and it shall thereupon be certified by the Governor or other officer, as aforesaid, that the services so charged for, were performed at his request. Accounts to be made in writing.

SEC. 3. *Be it enacted*, That the Comptroller of the Treasury shall issue his warrant for such amount as may so appear to be due, which shall be paid by the Treasurer, as other public dues are paid, so also shall warrants issue in payment of the legal fees to clerks of the supreme court, who may furnish the Attorney General with copies of opin- Comptroller to issue warrants.

ions, as required by law, upon the certificate of the Attorney General, that the amount charged is correct, and ought to be paid: *Provided*, said fee or fees, shall be charged at the same rate as is paid by individuals for similar advertisements in the same papers.

BURCHETT DOUGLASS.

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 4, 1842.]

Speaker of the Senate.

CHAPTER CXXI.

An act to incorporate Marshall Academy, in the county of Marshall.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James C. Record, George W. Haywood, James Osburn, Levy Cochran, Thomas Ross, Benjamin Williams and John Paxton, be, and they are hereby appointed and constituted a body politic and corporate, by the name of the Marshall Academy, in the county of Marshall, and by that name may sue and be sued, plead and be impleaded, shall have and use a common seal, shall have, hold and acquire, real and personal property, so far as it may be necessary for use of said Academy, and shall have, exercise and enjoy all such rights, powers and privileges, as are usually possessed and exercised by the trustees of any incorporated Academy, and may ask, demand, and sue for, and receive any monies which may be due said Academy, by donation or otherwise, and for the same, may grant all proper discharges and acquittances by the signature of the President, attested by the Treasurer, with the common seal attached.

Appointed a
body politic.

SEC. 2. *Be it enacted*, That so soon as the persons named in the first section of this act, shall have organized said Academy, they shall proceed to hold an election for seven trustees, first giving ten days notice of the time and place of holding said election; said trustees, when so elected, shall hold their office during the term of two years, and until their successors are elected.

Trustees to be
elected.

SEC. 3. *Be it enacted*, That each person who has, or may hereafter contribute to the erection, support and maintenance of said Academy, by giving to the same, land, labor, money, or other donation, shall be entitled to vote for trustees of said Academy.

To elect Pres-
ident.

SEC. 4. *Be it enacted*, That said trustees, when elected, shall organize themselves into a board by electing one of

their number President, and appointing a Treasurer; any four shall constitute a quorum to do business; said board shall have power to fill such vacancies as may occur during the time for which they were elected.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Feb. 5. 1842.] *Speaker of the Senate.*

CHAPTER CXXII.

An act to allow compensation to certain Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners mentioned in the fifteenth section of the "act to incorporate the Hiwassee Rail Road Company," shall hereafter be allowed two dollars a day for their services, while necessarily employed in the discharge of their duties, to be paid by the party applying to the court for their appointment, for which allowance the court shall render judgment, and award execution against the applicants at the term to which said commissioners report.

SEC. 2. Should any such commissioner refuse to perform the duties contemplated by the said fifteenth section of said act, after due notice of his appointment, by service on him of a copy of the order of court appointing him, he may, on motion, of which he shall have three day's notice, be fined by the court, as for a contempt, in any sum not exceeding ten dollars, unless good excuse shown for not attending.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER CXXIII.

An act to preserve the original acts and resolutions of the General Assembly of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State shall cause the original Acts and Resolutions that may be

passed at this or any subsequent session of the General Assembly of this State, as they may be enrolled and filed in his office, to be bound together, and preserved in that form in his office, and that so much of an act passed in the year one thousand seven hundred and ninety-six, chapter 3, as requires the Secretary to record, in books to be kept in his office, all bills or acts passed by the General Assembly, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the Secretary of State be authorised to have the original Acts and Resolutions of the sessions of the General Assembly, 1835-6, 1837-8, and 1839-40, bound in the same manner as is provided in the first section of this Act for the present and subsequent sessions of the General Assembly.

Secretary to
have acts &c.
bound.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXXIV.

An act to incorporate the Alumni Society of the University of Nashville.

SEC. 1 *Be it enacted by the General Assembly of the State of Tennessee*, That Edwin H. Ewing, Andrew Ewing, A. V. S. Lindsley, John Trimble, John M. Lea, Robert C. Foster 3rd., Richard W. H. Bostick and others, the members of the Alumni Society of the University of Nashville be, and they are hereby created a body corporate, and shall be known as such by their name of association, and shall have the following powers, viz:

1st. The power to have and enjoy the rights incident to corporate succession.

2d. The power to sue and defend in any court of law or equity.

3d. The power to make and use a common seal, and alter the same at pleasure.

4th. The power to hold, purchase and convey such personal property as may be necessary to complete the purposes of the association, and real estate, not exceeding in value the sum of five thousand dollars.

5th. The power to appoint such subordinate officers and agents as the business of the Association shall require, and to allow them a suitable compensation.

6th. The power to make laws, not inconsistent with any

existing law, for the management and disposition of the property of the corporation, and the regulation of its affairs.

SEC. 2. *Be it enacted*, That the powers hereby granted may be revoked, and that this act may be altered, suspended or repealed, by the present, or by any subsequent General Assembly.

BURCHETT DOUGLASS,
Speaker of the House of Representatives,
SAM. TURNEY,
Speaker of the Senate.

Passed Feb 5, 1841.]

CHAPTER CXXV.

An act to refund to John Hoyal and Thomas McCallie, the consideration money paid by them in making entry No. 521, in the Ocoee District.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Entry-taker of the Ocoee District, refund to John Hoyal and Thomas McCallie, ^{Entry-taker to refund to John Hoyal and others.} the amount of money, with interest thereon, paid to him by them, on their making entry No. 521, on the fifth day of April, 1839, in the Ocoee District, by their returning to him to be cancelled, grant No. 571, founded on the aforesaid entry, for one hundred and sixty acres of land, in Hamilton county, in said District, situate in the third range, West of the basis line, second fractional township, eighteenth section, being the North-west quarter of said section; said grant bearing date at Nashville, on the 7th June, 1839.

Provided, said John Hoyal and Thomas McCallie, shall make it appear to the satisfaction of the presiding Judge of the third Judicial circuit, that they are not in the provisions of the act of 1839, chapter 58, and that the title acquired by them, to the lands so entered by them, and granted by grant No. 571, and dated Nashville, 7th day of June, 1839; is taken by a better and *bona fide* title, acquired under the State: *and provided also*, they shall make it appear to the satisfaction of said Judge, that there has been no fraud or collusion between them, and the person having such better title: *and provided*, the said Judge shall so certify under his official assignation to the Entry-taker of the Ocoee District.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXXVI.

An act for the relief of Sheriffs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where any Sheriff of this State may have heretofore been prevented by the sudden and unexpected adjournments of the court, from returning a list of insolvents in his county, as now required by law, and obtaining a credit therefor, with the county court of his county, such sheriff or sheriffs shall have the further time of three months allowed them, after the passage of this law, in which to apply for such credit, under the same rules and regulations that are now prescribed by law, and such credit, when so obtained, shall be as good in his or their settlement with the Comptroller, as though the same had been allowed at the proper time.

SEC. 2. *Be it enacted,* That when any sheriff or collector of any county in this State, shall have failed to make his report of the lands of non-residents, lying within his county, and on which taxes are due, to the term of the circuit court, to which the law makes it his duty to make said report, and such failure is certified by the presiding Judge, and the clerk of said court, to have been occasioned by a failure of that term of the court to be held, it shall be the duty of the Comptroller of the Treasury, and the trustee of the county in which such failure may have happened, to allow said sheriff or collector, on settlement with them, and on his presenting the certificate of the presiding Judge, and the clerk of said court, a credit for the full amount of taxes, due on said lands: *Provided,* that such sheriff or collector, shall embrace the lands thus failed to be reported in his next succeeding report, and shall thereafter settle for the same, as in other cases.

SEC. 3. *Be it enacted,* That the provisions of the first section of this act, shall extend to and embrace the case of the securities of any sheriff in this State, who may have heretofore failed to settle up for the revenue which had come to his hands, and who had failed to return a list of insolvents in his county, within the time allowed by law, and obtain a credit therefor; in such case, the further time of three months after the passage of this law, shall be given such securities to get such credit, and the same, when so obtained, shall be allowed them for the sum due for State and county revenue, whether there be a judgment against such securities or not.

SEC. 4. *Be it enacted,* That in all cases, where sheriffs and collectors, in this State, have heretofore been pre-

vented, (by a failure of the court to be held,) from returning the order of sale, by virtue of which such sheriff or collectors had provided duly and legally to offer for sale, the lands of non-residents, on which taxes were due, and a portion thereof failed to sell, it shall be the duty of the Comptroller of the Treasury, and all other officers of this State, to whom the laws make such sheriff or collectors accountable for the same, to allow on settlement with him or them, a credit to said sheriffs or collectors for the full amount due on that portion of the lands that they have thus failed to sell, under the same rules, regulations and restrictions, contemplated in the second section of this act: *Provided*, the provisions of the first and third sections of this act, shall not be extended to or embrace any failures or omissions accruing after the passage of this act.

SEC. 5. *Be it enacted*, That the further time herein-after specified, be granted to William Smith, Ephraim Wilson and other securities of Madison G. Fellows, late sheriff of Green county, to pay the sum due the State from said Fellows, as sheriff, on the following conditions: That the said securities shall, within one Month after the passage of this act, deliver to the clerk of the circuit court of Green county, their promissory notes, respectively, with such securities as the clerk shall deem sufficient for the full amount of their proportionable part of said Fellows' defalcation, payable to the Governor of the State, or his successors in office, for the use of the State, due two years after the date thereof, but bearing interest at the rate of six per cent per annum, from the date thereof.

Time granted.

SEC. 6. *Be it enacted*, That any judgment obtained against such securities, shall be stayed for the said term of two years, and shall never be proceeded in unless on failure of the parties to pay their notes so to be executed as aforesaid, but in case of failure to pay such notes, then said judgment, at the end of said two years, is to be in full force and virtue, and to be proceeded in accordingly.

Time of stay.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPTER CXXVII.

An act to authorise the Stock Banks of the State to dispose of their real estate, to reduce the debt of the State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly*

Banks to sell real estate. *of the State of Tennessee*, That at any time within the period of two years, from and after the passage of this act, it may be lawful for any of the Banks of this State, to sell any portion of their real estate now held by said Banks, and to receive in payment thereof, or in exchange therefor, the stock of said Banks, or the bonds of the State of Tennessee, and any of said bonds so obtained, may, by said Bank, be delivered over to the Governor of the State, for the time being, to be by him cancelled and put on file in the office of the Secretary of State, and he shall transfer to said Bank, an equal amount of the stock that may be held by the State, in said Bank. The bonds and the stock each being estimated at their par value.

SEC. 2. *Be it enacted*, That for any amount of Bank stock so received in payment of or exchange for its real estate, that said Bank shall be required to purchase, or otherwise obtain bonds of the State of Tennessee, to the amount of one-fifth of the Bank stock so obtained, and all bonds obtained under the provisions of this section, shall be delivered to the Governor, to be disposed of as prescribed in the first section of this act, and the Governor shall, in like manner, transfer an equal amount of stock held by the State, in said Bank, estimating each at their par value.

Directors not to purchase.

SEC. 3. *Be it enacted*, That it shall not be lawful for any director of any Bank, directly or indirectly, to become a purchaser of any real estate held by the Bank of which he is a director, under the provisions of the first and second sections of this act, nor to act as agent for any other person making any such purchase.

To secure debts.

SEC. 4. *Be it enacted*, That whenever the board of directors of any Bank in this State, shall deem it advisable for the better security of any debt due to said Bank, to take paper from any debtor having longer than twelve months to run to maturity, it may be lawful for such board to take or discount such paper: *Provided*, that it shall not be lawful to charge, by way of discount, or for interest, a greater rate than six per centum per annum, for the time such paper may have to run to maturity.

Provided, That when any Bank stock, which constitutes part of the school funds, is transferred under the provisions of this act, the bonds of the State for which such stock is exchanged, shall be deposited in the Bank of Tennessee, to be applied as other school funds in said Bank.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXXVIII.

An act to incorporate the Sycamore Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Watson, John B. Schenck, G. C. W. White, B. Persons and D. Nichols, and their successors, and assigns be, and they are hereby incorporated and made a body politic, by the name and style of the Sycamore Manufacturing Company, with full power and authority, by that name and style, to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and to have and use a corporate seal, and the same to break, alter or change at pleasure. Body politic

SEC. 2. *Be it enacted*, That the Capital stock of said company, may be one hundred thousand dollars, in shares of one hundred dollars each, but that whenever the sum of thirty thousand dollars may be subscribed and appropriated, the business of said company may commence, and the capital stock may be increased from time to time, in such manner as the directors may prescribe, until the whole shall amount to one hundred thousand dollars. Capital stock.

SEC. 3. *Be it enacted*, That three directors shall be chosen at the time that the business of said company shall commence, and annually thereafter, one of said directors shall be chosen President, and said President and directors shall hold their places until successors are chosen.

SEC. 4. *Be it enacted*, That the President and directors shall have power to make any by-laws for the regulation and government of the company, and for the management of their business, not inconsistent with the laws of this State, or of the United States. Power of President, &c.

SEC. 5. *Be it enacted*, That the stock of said company shall be assignable and transferable, but no sale or transfer shall be valid till it be entered on the book or register, to be kept by the directors for that purpose. Stock.

SEC. 6. *Be it enacted*, That the company aforesaid, shall have power to purchase and hold, to sell and convey, in exchange, all such property, real or personal, as may be necessary, convenient or useful, in carrying on the business of manufacturing cotton, powder and other articles; the said company may also take, receive and hold such other property, real and personal, as they may find it necessary or convenient, to take as security of any debts, which, in the course of their business, may be due to them. Power to purchase.

SEC. 7. *Be it enacted*, That this charter of incorporation, may be amended or revoked, and annulled by any fu-

ture General Assembly, whenever in its opinion, the public good may require it.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Passed Feb. 5, 1842.] *Speaker of the Senate.*

CHAPTER CXXIX.

An act for the amendment of Criminal law and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be hereafter the duty of each clerk of the circuit court in the several counties, on the first day of the term of his court, to call upon the Attorney General of the district in which said court may be held, to advise him in making out a full and perfect caption to be prefixed to the proceedings of said court in criminal cases; and it shall be, and is hereby made the duty of the said several Attorneys General, in their several districts, to advise and superintend the making out of such captions and entries according to the laws of the land.

SEC. 2. *Be it enacted,* That in all cases of appeals in the nature of writ of error from the circuit to the supreme court, and in all cases where petitions with transcripts shall be filed for the purpose of reversing any judgment in the circuit court, whether such appeals or petitions for writs of error shall be in civil or criminal cases; if any clerk shall make out and transmit to the supreme court an imperfect or incorrect transcript of the proceedings had in his office in any such case, such clerk shall not be entitled to any fees for making out such imperfect or an incorrect transcript, and it is hereby made the duty of the supreme court, upon motion, to strike the same out of the bill of cost.

SEC. 9. *Be it enacted,* That if any clerk of the circuit court shall make out an incorrect or imperfect transcript of the records in his office, and in any such case it shall become necessary to award a *certiorari*, to bring up a perfect transcript, it shall be the duty of the supreme court, to tax such clerk with the cost of such *certiorari*.

SEC. 4. *Be it enacted,* That if any clerk of any of the circuit courts of this State, shall knowingly and willfully make a false entry, or shall fail, willfully and knowingly, to make an entry, directed by law to be made, or shall make out knowingly and willfully any imperfect or incorrect transcript of the proceedings had in his court, and being in his

office, with the intent and for the purpose of affecting the result of any such cause, such clerk shall be deemed guilty of a high misdemeanor, and upon due conviction by a jury, shall be fined and imprisoned; and it shall be the duty of the Attorneys General in the several districts, in all such cases, to file bills of indictment against them *ex officio*.

SEC. 5. *Be it enacted*, That it shall be the duty of the Duty of clerks.
clerks of the several circuit courts of this State, to make out and transmit by mail, or otherwise, to the clerk of the supreme court in his division, all transcripts of cases where there are appeals in the nature of writs of error, in State cases, within forty days after the rendition of the judgment; and if the case shall have been determined within forty days of the time of the meeting of the supreme court, then it shall be his duty to make out the same forthwith, and transmit it by mail.

SEC. 6. *Be it enacted*, That the above section shall be regarded as complied with, if the clerk of the said circuit court shall, within forty days after the rendition of the judgment, obtain the receipt of the postmaster, that he has deposited the transcript in the post-office, within the time directed in this act.

SEC. 7. *Be it enacted*, That in state cases, where transcripts have been transmitted by mail, or *certioraris*, or Postage to be paid.
other writs awarded by the supreme court in state cases, in furtherance of public justice, or which may be transmitted or returned by mail, the postage shall in all such cases be, and it is hereby declared to be a part of the taxable cost of the suit to be disposed of as other costs in the cause.

SEC. 8. *Be it enacted*, That an act passed in 1794, chapt. 1, sec. 26, be amended, requiring clerks to perform certain duties.

SEC. 9. *Be it enacted*, That it shall not be required of Duty of clerks.
any clerk of the circuit or county court to spread at full length on the records, of all the proceedings in suits which were commenced and settled before there was a judgment obtained in court; but it shall be the duty of the clerk to preserve and file the original papers, but not to enroll them; and it shall be the duty of the clerk to enter the judgment or settlement of the case upon the execution docket, and to state that the matter was settled before a final trial or judgment.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 1, 1842.]

CHAPTER CXXX.

• An act for the relief of the Columbia, Pulaski, Elkton and Alabama turnpike company, and for other purposes.

Power of company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said Columbia, Pulaski, Elkton and Alabama turnpike company, shall have the power, and are hereby authorised and empowered to locate and establish upon their turnpike road, between the town of Columbia and the Alabama State line, ten gates, at which gates the said company shall have the right and power to charge and collect toll, under the same rules and regulations as is provided in the act incorporating said company: *Provided*, said company shall not locate any gate nearer than one mile and three quarters of the court house in the town of Columbia, nor any gate nearer the court house in the town of Pulaski than two miles.

Company authorised.

SEC. 2. *Be it enacted*, That said company be authorised to build suitable houses for the accommodation of the gate keepers on said road, and that the money arising from the collection of tolls, on said road, for two years from the time said gates are erected, be appropriated to pay the expenses of building said houses, and the hire of the gate keepers, and to finish that part of said road that is not complete: *Provided*, that a majority of the stockholders shall agree to it.

Provided further, the removal of said gate, one and three quarter miles from Columbia, shall not affect the right of private way, or public way, between where said gate is located by this act, and where said gate should have been located by the original act, which this is intended to amend.

Further time allowed.

SEC. 3. *Be it enacted*, That the Franklin and Columbia turnpike road shall have the further time, from the first day of January, 1842, to complete said road, as is provided in the act of incorporation, and that it shall, and may be lawful for the county court of Maury county, to transfer to said Franklin and Columbia turnpike road, the bridge belonging to said county of Maury, and which bridge crosses Duck river, where said turnpike road strikes said river upon condition, no toll shall be taxed for passing said bridge, and upon condition, that said Franklin and Columbia turnpike road shall keep said bridge in good order and condition, at their own proper cost and expense: *Provided*, the first gate from Columbia shall not be erected south of or nearer the town of Columbia than the dividing line between the lands of Gregory, deceased, and the lands of Thomas Brown, deceased; and said company shall have the right and power to tax and receive toll at said gate, and the other gates lo-

cated by said company, after said company shall have prepared a bridge.

SEC. 4. *Be it enacted*, That an act entitled an act to authorise Josiah M. Anderson, of Marion county, and George W. Williams, of Hamilton county, to open a turnpike road; passed January 23, 1840, be, and the same is hereby revived, with all the rights and privileges, and subject to all the restrictions in said act specified, except so far as is inconsistent with this act.

SEC. 5. *Be it enacted*, That the said Anderson and Williams shall have the further time of two years in which to complete said road, and shall be authorised to demand and receive the following rates of toll at their gate, in lieu of the toll on wagons and carriages allowed by the act hereby amended, to wit: for each wagon and six horse team, seventy-five cents; for each wagon and five horse team, sixty-two and a half cents; for each wagon of burthen drawn by three or four horses, fifty cents; for each two horse wagon or cart with one horse, twenty-five cents; for each four wheeled carriage of pleasure, one dollar, if drawn by two or more horses, but if by one horse, fifty cents; for each two wheeled carriage of pleasure, fifty cents; for each carriage or dearbourn wagon, fifty cents, if drawn by two horses, but if by one horse, thirty seven and a half cents; waggons and carriages drawn by mules or oxen, to be subject to the same toll as if drawn by horses: *Provided*, that all persons and their property, traveling the river road leading past G. W. Williams' and the suck, shall not be liable to the toll allowed by this act, or the act which this act is intended to amend; and *provided further*, that the said Anderson and Williams may, in their discretion, stop said turnpike road at Geo. W. Williams', instead of the Tennessee river; opposite Chattanooga, as provided in the original act of incorporation.

SEC. 6. *Be it enacted*, That all the rights, privileges and immunities which have been heretofore conferred upon the proprietors of Piles' turnpike road, be, and they are hereby confirmed and conferred upon Julian F. Scott, of Morgan county, and Robert Officer of Marion county, the present proprietors of said road, and their assignees; and that the proprietors of said road be, and they are hereby authorised to erect one additional toll gate, at such place as they may think proper, with the right of exacting the same rate of toll now allowed at the gate already erected: *Provided*, that no greater rate of toll shall be collected for passing through both gates, than is now allowed for passing through one.

SEC. 7. *Be it enacted*, That John Love, of Green county, is hereby authorised to open and establish a turnpike

road from the North Carolina line, at or near the Bear Pen Gap, to the Paint Mountain turnpike road, between Geo. W. Fouts and Moses Whitenbergs; which road shall be made and finished by the proprietor thereof, according to the provisions of the first section of an act hereinafter mentioned.

SEC. 8. *Be it enacted*, That the said John Love, with exception of so much of the fourth section of the act hereafter mentioned, as relates to the appointment of commissioners for said road, which appointment shall be made by the county court of Green county, on the application of the said John Love, and shall consist of two commissioners, shall have all the rights and privileges, and be subject to all the liabilities that are contained in the 2d, 4th, 5th, 6th, 7th and 8th sections of an act entitled an act to authorise William Raynolds, of the county of Green, to open and establish a turnpike road across Paint Mountain; passed December 6th, 1825: *Provided*, that nothing herein contained, shall be so construed as to prejudice the rights of other turnpike companies.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5th, 1842.]

CHAPTER CXXXII.

An act making appropriations to defray the expenses of the present General Assembly

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following sums of money be paid out of any money in the Treasury, not otherwise appropriated, to the following officers of the Legislature, and to the following persons, to wit: To S. D. Mitchell, Principal Clerk to the House of Representatives, for 127 day's service, at \$6 per day, \$762. To Tho. A. Brown, Assistant Clerk to the House of Representatives, for 127 day's service, at \$6 per day, \$762. To Jno. Blevins, Assistant Clerk to the House of Representatives, for 127 day's service, \$762. To David J. Carr, Principal Door Keeper, for 127 day's service, at \$4 per day, \$508. To Pleasant M. Hornbeak, Assistant Door Keeper, for 127 day's service, at \$4 per day, \$508.

SEC. 2. *Be it further enacted*, That the following sums be allowed and paid as directed in the 1st section of this

act, viz: To John Nichol, Sen., the sum of \$262 75, for carpeting, wall paper and bordering for the Legislative Halls. To Horn & Stainback, the sum of three hundred and seventy-five dollars, for painting, preparing and fitting up the Legislative Halls. To C. M. Cowardin, the sum of \$38 62½, for fixing railing and repairing tables in the House of Representatives. To A. D. & C. F. Berry, the sum of \$153 56, for green Flannel and other articles furnished for covering tables and Speakers chairs. To L. B. Fite & Co., the sum of \$302 67, for carpeting furnished for the Legislative Halls. To P. W. Maxey, the sum of \$46 83, for fixing stoves in the Legislative Halls. To Samuel Watkins, for repairing fire-places in the Representative Hall, \$8 50. To Thomas Wells, for paints, oils and varnish, \$77 50. To McCombs & Carson, \$36 25, for tables and paper case for the House of Representatives. To the Secretary of State, the sum of seventy-five dollars, for taking care of the Legislative Halls for the last two years, and making out a Synopsis of the acts of the present Session. To A. F. Goff, Attorney General of the 13th District, the sum of \$20, for *ex officio* services. To Joseph Barnard, for copying 80 pages of the House Journal of the Session of the General Assembly, 1839-40, by order of the Governor, the sum of \$24. To F. Higgins, for hauling water, \$36. To Joseph R. Mitchell, for sixty-five days service as Clerk to the House of Representatives, \$200. To William Fortner, for keeping fire and water in the Hall of the House of Representatives, \$50.

SEC. 3. *Be it further enacted*, That the Principal Clerks Time allowed Clerks. of the Senate and House of Representatives, remain after the adjournment, a sufficient time to properly and regularly file their papers in the office of the Secretary of State; and for the time so necessarily engaged, shall be allowed the usual per diem allowance, to be paid upon the warrant of the Comptroller.

SEC. 4. *Be it further enacted*, That the Secretary of State shall distribute the Acts and Journals of the present Secretary to distribute Acts, &c. session of the General Assembly, in conformity with the provisions of an act passed on the 26th day of January, 1836, and is hereby authorised to distribute with the same, such surplus Acts of Congress as may be in his office.

SEC. 5. *Be it enacted*, That the following sums be allowed and paid as directed in the first section of this act: Sums allowed.
To T. Kezer, for negro man Ned, for bringing wood and water, \$50. To negro boy William Fortner, the further sum of \$25 for services in House. To Andrew Hogg, assistant Door-keeper, for 127 days, at \$1 per day, \$127. To P. W. Maxey, for putting glass in Lantern, and taking

down and fixing up stoves, \$47 38. To John Buchanan for wood, 73 cords, at \$4 50 per cord, 328 50. To A. M. Caldwell the amount paid Joseph R. Mitchell for copying Journals, \$24 50. To J. Geo. Harris for printing job work of present session (Senate account rendered) \$958 97 3-4, for printing Report of Comptroller of last session, \$19 67. To Samuel Turney, Speaker of the Senate, for postage, \$1 54. To Berry & Tannehill, for stationary, candles, &c. for the Senate, \$428 26. To do. for House of Representatives, \$968 72. To E. Keyser for 10 days service as Assistant Clerk, \$60. To J. A. Lane for 127 days, at \$6 per day, as Principal Clerk, \$762, for transcribing unfinished Journals after adjournment of session, \$50. To A. Caldwell, 127 day's services as Engrossing Clerk, \$762. To Hays Arnold, for 127 day's service as Doorkeeper at \$4 per day, \$508. To Stephen for hauling water for Senate, \$17 12 1-2. To Hays Arnold for this sum paid for chairs for use of the Senate. To members of the Senate, as follows:

Names of Members.	Number of days.	Amount.	Miles travel.	Amt mileage.	Total.
Jno. B. Ashe,	127	508	350	56 44	564
H. Bradbury,	127	508	250	40	548
Robt. C. Foster,	127	508	34	5 44	513 44
H. Frey,	127	508	46	7 36	515 36
Jno. A. Gardner,	127	508	260	41 60	549 60
J. P. Hardwick,	127	508	76	12 16	520 16
Thos. R. Jennings,	127	508			508
A. Johnson,	127	508	550	88	596
Saml. H. Laughlin,	127	508	150	24	532
William Ledbetter,	127	508	64	10 20	518 20
Sackfield Macklin,	127	508	400	64	572
Barclay Martin,	127	508	82	13 12	521 12
Thos. J. Matthews,	127	508	150	24	532
John Miller,	127	508	326	52 16	560 16
B. T. Motley,	127	508	68	10 88	518 88
Jno. R. Nelson,	127	508	409	65 44	573 44
Joseph Peyton,	127	508	50	8	516
Robt. R. Powel,	127	508	636	101 76	609 76
Lewis Reneau,	127	508	448	71 68	579 68
W. T. Ross,	127	508	150	24	532
V. Sevier,	127	508	220	35 20	543 20
Richard Warner,	127	508	88	14 68	522 68
Richard Waterhouse,	127	508	270	43 20	551 20
William Williams,	127	508	500	80	588
Sam. Turney, <i>Speaker.</i>	127	762	190	39 40	792 40

SEC. 6. *Be it enacted*, That the Comptroller of the Treasury examine the accounts of C. C. Norvell, W. F. Bang & Co., Printers to the House of Representatives, and settle the same agreeable to contract, and direct the payment of the same, if it does not exceed the sum of 2238 92, which sum is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated; and that Horn & Stainback be allowed and paid the further sum of \$74 50, which shall be in full.

SEC. 7. *Be it enacted*, That it shall hereafter be the duty of the Secretary of State, before the meeting of each Session of the General Assembly, to have the Legislative Halls fitted up for the reception of the members, and it shall also be his duty to contract for stationary, fuel and lights for the use of the two Houses of the General Assembly, and shall, after each adjournment thereof, take charge of the Halls and public furniture: *Provided*, that in making the contracts aforesaid, said Secretary shall advertise and receive proposals, and take the lowest bid.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Speaker of the Senate

Passed Feb. 7, 1842.]

APPENDIX TO APPROPRIATION BILL.

Report of the Committee on Finance, showing the mileage and per diem allowance of the members and officers respectively, of the House of Representatives, at the regular session of the 24th General Assembly, the aggregate amount received by each:

Members' Names.	Number of days.	Per diem allowance.	Miles travel.	Am't mileage.	Total.
Burchett Douglass, <i>Sp'kr.</i>	127	762	392	62 72	924 72
A. R. Alexander,	127	508	480	76 80	584 80
Thos. Barry,	127	508	46	7 36	515 36
Yancy Bledsoe,	127	508	216	34 56	542 56
R. W. H. Bostick,	127	508	36	5 76	513 76
R. P. Brooks,	127	508	146	23 36	531 36
Andrew Brown,	127	508	212	33 92	541 92
John Buchanan,	127	508	150	24	532
F. Buchanan,	127	508	150	24	532
Thomas Black,	127	508	80	12 80	520 80
P. C. Buck,	127	508	112	17 92	525 92
James Buford,	127	508	136	21 76	529 76
M. Bullock,	127	508	250	40	548
H. M. Burton,	127	508	60	9 60	517 60
James Campbell,	127	508			508
Brookins Campbell,	127	508	580	92 80	600 80
W. B. Cherry,	127	508	160	25 60	533 60
S. Copeland,	127	508	220	35 20	543 20
Philip Critz,	127	508	571	91 36	599 36
John H. Dew,	127	508	82	13 12	521 12
J. G. Eans.	127	508	600	96	604
Jno. England,	127	508	170	27 20	535 20
Wallace Estill,	127	508	170	27 20	535 20
John Eubank,	127	508	76	12 16	520 16
E. H. Ewing,	127	508			508
Nicholas Fain,	127	508	532	85 12	593 12
David Fentress,	127	508	350	56	564
J. B. Fonville,	127	508	264	64 24	550 24
Isaac Goodall,	127	508	100	16	524
Charles Graham,	127	508	200	32	540
James L. Green,	127	508	400	64	572
Thomas Grisham,	127	508	260	41 60	549 60
W. T. Haskell,	127	508	300	48	556
Joel Hembree,	127	508	314	50 24	558 24
Moses H. Henry,	127	508	78	12 48	520 48
H. L. W. Hill,	127	508	144	23 4	531 4
Robt. Hodsden,	127	508	400	64	572

Thomas H. Hopkins,	127	508	144	23	4	531	4
Thos. Howard,	127	508	170	27	20	535	20
Simon P. Hughes,	127	508	106	16	96	524	96
Jno. Jones,	127	508	550	88		596	
Israel Lane,	127	508	500	80		588	
Alfred Lea,	127	508	500	80		588	
M. A. Long,	127	508	110	17	60	525	60
H. H. Marable,	127	508	130	20	80	528	80
Miles McCorkle,	127	508	60	9	60	517	60
C. H. McGinnis,	127	508	250	40		548	
Isaac Miller,	127	508	462	73	92	581	92
Samuel Milligan,	127	508	558	89	28	597	28
P. M. Mitchell,	127	508	290	46	40	554	40
John Muirhead,	127	508	60	9	60	517	60
Henry Norman,	127	508	72	11	52	519	52
H. P. Oglesby,	127	508	200	32		540	
Jno. F. Pate,	127	508	350	56		564	
Jno. P. Perkins,	127	508	348	55	68	563	68
Nicholas Perkins,	127	508	36	5	76	513	76
Thos. A. Polk,	127	508	320	51	20	559	20
W. H. Polk,	127	508	82	13	12	521	12
Matthew Powell,	127	508	56	8	86	516	86
Joel L. Reese,	127	508	150	24		532	
Jno. C. Rodgers,	127	508	150	24		532	
James Ross,	127	508	380	60	80	563	80
Geo. W. Rowles,	127	508	300	48		556	
James Scruggs,	127	508	500	80		588	
Nelson A. Senter,	127	508	486	77	76	585	76
Cravens Sherrell,	127	508	250	40		548	
Wm. J. Standifer,	127	508	270	43	20	551	20
G. C. Torbett,	127	508	350	56		564	
M. A. Trice,	127	508	314	50	24	558	24
P. Walker,	127	508	100	32		540	
James Walker,	127	508	296	31	36	539	36
William Wan,	127	508	300	48		556	
Jno. Wester,	127	508	324	41	84	549	84
Ric'd. D. Wheeler,	127	508	400	64		572	
Samuel Williams.	127	508	622	99	52	607	52

All of which is respectfully submitted:

F. BUCHANAN, *Chairman*
Of Finance Com. on the part of the House of Reps.

CHAPTER CXXXII.

An act to encourage Domestic Manufactures.

SECTION 1. *Be it enacted by the General Assembly of*

To form part-
ship.

the State of Tennessee, That if any two or more persons shall wish to associate themselves together in a partnership for the purpose of manufacturing silk or silken goods, woollen, cotton or linen goods, glass, paper, salt, copper, or for the purpose of making bar, or other description of iron, from ore, or for the purpose of making nails, nail rods, anchors, mill irons, steel, hoop-iron, wheel-iron, steam engines, or for the purpose of entering into any branch of iron manufacture, or for the purpose of extracting lead from ore, or making lead into shot or bars, or making any other species of manufactures, shall be and they are hereby authorised to form a limited partnership upon the terms and with the privileges and powers and subject to the conditions and liabilities set forth in this act.

SEC. 2. *Be it enacted*, That such partnership may consist of two or more individuals who shall be called general partners, and shall be held jointly and severally responsible for all the liabilities which the partnership may contract or incur as general partners now are, and if one or more individuals who shall contribute in actual cash payments a specific sum as capital to the common stock, they shall be called special partners, and shall not be responsible for any of the liabilities contracted or incurred beyond the fund so contributed by him or them to the capital stock.

SEC. 3. *Be it enacted*, That the general partners only shall be authorised to transact business and sign contracts for the partnership and bind the same.

Deed of part-
ship.

SEC. 4. *Be it enacted*, That the persons desirous of forming such partnership shall make and severally sign a deed of partnership, which shall contain the name of the firm under which such partnership is to be conducted, the general name of the business intended to be transacted, the names of all the general and special partners entered therein, distinguishing which are general and which are special partners, and the States and Counties of their respective residences, the amount of capital which each special partner shall have contributed to the common stock, the period at which the partnership shall commence and the period at which it shall terminate.

Deed to be ac-
knowledgeed.

SEC. 5. *Be it enacted*, That the deed of partnership shall be acknowledged by the persons signing the same or proven as deeds conveying titles to lands are acknowledged or proven, and all such deeds of partnership so acknowledged or proven, together with the acknowledgment or probate thereof, shall be registered at full length by the Register of the County, in which the principal business of the partnership shall be situate, in a separate book to be by him kept for that purpose, which shall be at all times open to public inspection.

If the partnership shall have places of business in different counties, a transcript of the deed of partnership and of the acknowledgment or probate thereof, duly certified by the Register in whose office the original shall have been entered, shall be registered in every such county.

SEC. 6. *Be it enacted*, That the time of the registration of the original deed of partnership as by this act directed, or affidavit made before some Judge of the Judicial Circuit or Justice of the County where the manufactory is established, signed by one or more of the general partners shall be filed with such Register, and be by him registered as the deed of partnership is registered, which affidavit shall state that the sum or sums specified in the deed of partnership to have been contributed by each of the special partners to the common stock, have been actually paid in cash, and is or are intended to be appropriated in good faith to the prosecution of the business for which such partnership was formed. Time of registration,

SEC. 7. *Be it enacted*, That no such partnership shall be deemed to have been formed, until a deed of partnership shall have been acknowledged or proven, and registered as directed by this act; and if any such deed of partnership or affidavit required by this act to be made, shall contain a false statement, all the persons interested in said partnership, and whose names have been used therein, having a knowledge of such false statement, or being privy thereto, shall be adjudged general partners and held responsible as general partners are responsible, for all liabilities and contracts of the said partnership. Deed to be acknowledged or proven.

SEC. 8. *Be it enacted*, That the partners in such partnership shall publish the terms of their partnership within twenty days after the registration of the deed of partnership, and shall continue said publication for the period of four weeks, in some newspaper convenient to the place where the business of the partnership is to be carried on, the choice of such convenient newspaper for publication, shall be made by the register, and endorsed on said publication and recorded in his book, and if such publication be not made, the special partners shall be adjudged general partners, and be held subject to all the liabilities and responsibilities of general partners. To publish partnership.

SEC. 9. *Be it enacted*, That an affidavit of such publication shall be made by the editor, printer or publisher of the newspaper in which such publication is made, asserting the fact of such publication, which affidavit shall be filed with the register, and shall in all cases be evidence of the fact of said publication.

SEC. 10. *Be it enacted*, That any renewal or continuance of such partnership beyond the time originally fixed

for its duration, shall be by deed, and shall be regarded as a new partnership, and said deed of renewal or continuance, shall be acknowledged or proved and registered, and an affidavit shall be made and registered, and publication shall be made, all in the mode prescribed for the original formation of the partnership, and any partnership which shall be otherwise renewed, altered or continued, shall be deemed a general partnership, and all the members thereof held responsible as general partners.

Original deed of
partnership.

SEC. 11. *Be it enacted*, That every alteration which shall be made in the names of the partners, in the nature of the business, or in the shares or capital stock thereof, or in any matter specified in the original deed of partnership, which shall in any manner be carried on after such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the last section.

To be conducted
under name of
firm,

SEC. 12. *Be it enacted*, That the business of the partnership shall be conducted under a firm name, in which the names of the general partners shall be inserted without the addition of the word "Company," or any other general term, and if the name of any special partner shall be used in such firm with his privity and consent, he shall be deemed a general partner.

SEC. 13. *Be it enacted*, That suits, in relation to the business of the partnership, may be brought and conducted by and against the general partners, as if there were no special partners.

Special partner.

SEC. 14. *Be it enacted*, That no part of the sum which any special partner shall have contributed to the capital stock, shall be withdrawn by him, paid or transferred to him in the shape of dividends, profits or otherwise, at any time during the continuance of the partnership. Any partner may receive lawful interest on the sum by him so contributed, if the payment of such interest shall not reduce the original amount of capital. And if, after the payment of such interest, any profits shall remain to be divided, he may also receive his portion thereof.

SEC. 15. *Be it enacted*, That if by the payment of interest or profits to any special partner, it shall appear, that the original capital shall be diminished, the partner receiving the same shall be bound to restore the amount necessary to make his share of capital equal to what it was, before such improper payment was made.

SEC. 16. *Be it enacted*, That any special partner may at any time, examine into the partnership concern and may advise as to the management thereof, but shall not transact any of its business, nor be employed for that purpose as an

agent, attorney or otherwise, without the express assent of all the general partners. And if any partner shall interfere, contrary to the provisions of this act, he shall be adjudged a general partner, and be subject to all the liabilities and contracts of the partnership as a general partner is liable.

SEC. 17. *Be it enacted*, That the general partners shall be liable to account to each other, and also, to the special partners for their management of the partnership business, as other partners in trade are now liable by law. And every partner, general and special, who shall be guilty of any fraud in the management of the business of said partnership, shall be made liable in an action upon the case, or a bill in equity for a fraud, to the party injured, to the extent of the damage sustained; and shall also be liable to be presented or indicted for a misdemeanor, and upon conviction shall be fined, and in the discretion of the court, trying the cause, may be imprisoned. Partners liable.

SEC. 18. *Be it enacted*, That every sale, assignment, or transfer of any of the property or effects of such partnership, made by such partnership when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of any partner, with the intent of giving a preference to any creditor of such partnership, or insolvent partner, over the other creditors of such partnership, and every judgment confessed, lien created or security given by such partnership, under such circumstances, and for such intent, shall be void as against the creditors of such partnership. Sale on assignment.

SEC. 19. *Be it enacted*, That every such sale, assignment or transfer of the property or effects of a general or special partner, made by such general or special partner, when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own or the partnership, a preference over other creditors of his own or of the partnership, and every judgment confessed, or lien created, or security given by any such partner, under the like circumstances, and for the like interest or purpose, shall be void as against the creditors of the partnership.

SEC. 20. *Be it enacted*, That every special partner who shall violate any provisions of either of the two last preceding sections, or shall concur in or assent to any such violation by the partnership, or any individual partner thereof, shall be responsible for the contracts and liabilities of the partnership as general partners. Responsibility.

SEC. 21. *Be it enacted*, That in case of the insolvency of the partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor until the other In case of insolvency.

claims of all other creditors of the partnership shall have been satisfied.

SEC. 22. *Be it enacted,* That no dissolution of such partnership shall take place previous to the time specified in the deed of partnership, or in the deed of renewal or continuance, until a notice of such intended dissolution shall have been filed with the register, and by him registered at the same place in the book, where the deed of partnership, renewal or continuance is registered, and published once a week for four successive weeks, in the same paper in which the deed of partnership, renewal or continuance was published, or if, by the discontinuance or other reason, such publication in such paper shall be impracticable, then it shall be made in such paper as the register shall designate, by an entry made in the book, where the deed or deeds of the partnership is, or are registered, and endorsed on said notice.

SEC. 23. *Be it enacted,* That all articles of machinery, materials for manufacturing, manufactured articles or other effects of such partnership, shall be free from seizure by execution for the individual debts of the general and special partners, but shall be liable to such seizure for the debts of the partnership: *Provided always,* that such creditor or creditors may, by bill in chancery, subject the stock of special partners in such partnership, to sale, and the purchaser thereof, shall acquire all the rights and interests, and be subject to all the liabilities of the partner whose interest he may have purchased.

SEC. 24. *Be it enacted,* That in case of the insolvency of such partnership, the entire manufactory established, and the effects thereof, may, by a bill in chancery, be subjected to sale, and the proceeds thereof be distributed *pro rata* among all equitable creditors and claimants.

SEC. 25. *Be it enacted,* That special partners may sell and transfer their interest in the partnership by a deed in writing, without producing the effects of a dissolution of the partnership, but the said deed to be effectual shall be acknowledged or proven and registered as the original deed, but if not so acknowledged or proven and registered, the vender and vendee shall both be held liable to creditors as general partners are liable.

SEC. 26. *Be it enacted,* That this act shall not be construed as to authorise the business of banking or the making policies of insurance.

SEC. 27. *Be it enacted,* That clerks and registers performing services under this act, shall be paid therefor the same fees which they are allowed by law, to charge for similar services performed in taking the acknowledgment,

probate and making registration of deeds of conveyances of land. The Legislature may at any time alter or repeal this act.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 3, 1842.]

Speaker of the Senate.

CHAPTER CXXXIII.

An act to amend the laws regulating divorces.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases, where by the laws now in force, a person is authorised to obtain a divorce from bed and board, the court shall hereafter be authorised to dissolve the bonds of matrimony, or to grant a divorce from the bonds of matrimony.

SEC. 2. *Be it enacted*, That in all cases where a divorce shall be granted, it shall be lawful for the court to decree to the wife so divorced, such part of the real and personal property of the husband as they shall think proper, consistent with the nature of the case; and in doing which, the court shall be authorised to have reference to the property which the husband received by his wife at the time of the marriage, or at any time afterwards, as well as to any separate property owned by the wife, and secured to her by marriage contract or otherwise. Divorce granted

SEC. 3. *Be it enacted*, That if any person, being husband or wife, has been or shall be convicted of any crime, which by the laws of this State is declared to be a felony, and sentenced to confinement in the Penitentiary, the same shall be a good cause of divorce from the bonds of matrimony: and if such convict shall, at the time of the exhibition of a bill for divorce under this section, be confined in the Penitentiary, the complainant may make publication, and bring the cause to trial as in cases of non-residents: *Provided*, that the proof of such conviction and sentence shall be the record of the court in which the proceedings were had; *and provided further*, that in all other cases of divorce, where petition shall be preferred and *subpena* issued and served upon the adverse party, it shall be lawful to set the cause for hearing, and to have it tried at the first term of the court thereafter. Cause for divorce.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 4, 1842.]

Speaker of the Senate.

CHAPTER CXXXIV.

An act for the better security of Public Ferries.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the owner or keeper of any ferry that has been or may hereafter be established under this or any other act of the General Assembly of this State, shall keep a good and substantial ferry boat or boats, with safe banisters, at least three feet high, with sufficient number of horizontal rails, to prevent the escape of all kinds of stock, which first two rails from the gunwale of the boat, shall not be farther apart than four inches, under the penalty of one hundred dollars, to be recovered by any person who may sue for the same before any court having jurisdiction, one half to the use of the State, the other half to the informer.

SEC. 2. *Be it enacted*, That this act shall be in force from and after the first day of May, 1842.

SEC. 3. *Be it enacted*, That in all cases where, on application, the county court of the county in which a ferry is situated, shall be of opinion that from the nature of the banks at the ferry, or the swiftness of the current, it would not be practicable, without great difficulty, to carry a boat across the stream with hand-rails, as above provided, such court shall relieve the ferryman of such ferry from the necessity of making such hand-rails.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 4, 1842.]

Speaker of the Senate.

CHAPTER CXXXV.

An act to amend the act of 1835, chapter 13.

Be it enacted by the General Assembly of the State of Tennessee, That where the goods, wares and merchandise of any retail merchant shall heretofore have been destroyed or lost in the act of opening the said goods, wares and merchandise, by accident, or the act of an incendiary, and before such merchant shall have procured license under the sixth section of the act of 1835, chapter 13, and whereby such merchant or merchants shall have incurred the penalty of the 16th section of the act of 1835, chapter 13; in all such cases the merchant or merchants shall be released from any judgment or judgments that shall have been render-

Merchants to be released in certain cases:

ed against him or them; for the penalty prescribed in the 16th section of said act of 1835, chapter 13: *Provided*, such merchant or merchants shall pay all the costs of said judgment or judgments, or when a judgment or judgments shall have been rendered for the penalty of, or taken up by the act of 1835, chapter 13: *and provided*, such merchant or merchants shall, by satisfactory proof, make it appear to the judge of the court in which said judgment was rendered, that the goods, wares and merchandise were destroyed, and in the manner in this act mentioned.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER CXXXVI.

An act for the relief of securities and endorsers in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person or persons may be security or endorser for any debtor or debtors, and said debtor or debtors, securities and endorsers may be sued and Judgment rendered against them, if any person or persons shall stay the same for the length of time given for the stay of execution upon such Judgment, such person or persons staying shall be liable, in default of the principal debtor, to pay the debt and costs of said Judgment, and the original security or securities, endorser or endorsers shall be exonerated therefrom, unless the principal debtor and security, in the replevy, shall both become insolvent, or unless such original security or securities, endorser or endorsers shall have specially joined with such debtor or debtors in procuring such stayor to pay judgment.

SEC. 2. *Be it enacted*, That it shall not be lawful for any Justice of the Peace to enter any person as security for the stay of execution, for and on account of the security or endorser, in the original bond, note or obligation, unless such endorser or original security shall be present before the Justice, and assent thereto, or shall give his assent in writing, signed by such endorser or original security, showing that the security for the stay of execution is entered at his instance and request.

SEC. 3. *Be it enacted*, That all laws now in force, prescribing the duties of Justices of the Peace, and all laws on

the stay of execution, which are not inconsistent with the provisions herein contained, and the constitution of the State shall remain in full force and effect until otherwise directed by law.

Judgment rendered.

SEC. 4. *Be it enacted*, That in all cases, where any Justice of the Peace shall hereafter, render a Judgment against any one or more defendants, the said Justice may receive and enter security for the stay of such Judgment, at any time before the same is paid, or execution is issued, with the consent of the Plaintiff or his agent, and such security shall be bound in the same manner and to the same extent, as if the Judgment had been stayed within the time now prescribed by law.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER CXXXVII.

An act to authorise the building of dams across Duck River, above the Town of Columbia, of certain dimensions.

Authorised to build dams.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the owners of lands in fee simple over which the waters of Duck River runs, above the town of Columbia, are hereby authorised to erect, build and complete dams across Duck River, seven feet high above the low water mark of said River, for the purpose of obtaining and securing water power to propel grist and saw mills, or other useful machinery: *Provided*, that the owner or owners of such mill dams across said river, as are already built or may be hereafter built across said river, wishing them to be higher than seven feet, shall make good and sufficient slopes in such dams, at least forty feet wide.

Hight of dam.

SEC. 2. *Be it enacted*, That whoever shall erect or complete a mill dam or dam for any other useful machinery, across Duck River, more than seven feet high above the low water mark of said river, and fail or refuse to construct slopes in such dams, shall forfeit and pay to the owner of boats, rafts or any other water craft that are injured, destroyed or lost to owners in descending said river over such dams, the full value of such losses by an action of trespass on the case before any tribunal having jurisdiction thereof.

SEC. 3. *Be it enacted*, That all laws and parts of laws that are contrary to this act be, and the same are hereby repealed.

SEC. 4. *Be it enacted*, That the privilege of building dams across Duck River below Columbia and the town of Williamsport, in Maury county, is hereby extended to all persons, under the provisions of the above sections of this act: *Provided*, dams which may be erected across said river below Columbia and above Williamsport, shall not exceed three feet above the low water mark: *and provided further*, that any person or persons constructing a dam or dams across said river, as aforesaid in this section, shall be liable to the owner or owners of all water crafts that may pass or repass, for such damages as may result from the erection of any such dams.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXXXVIII.

An act to repeal the 7th section of an act entitled "an act to incorporate a Literary Institution in the town of Maryville, in Blount county, to be styled the Maryville College," passed 14th January, 1842.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said seventh section of the said act, providing for the filling of the vacancies which may occur in the board of trustees of said College, be, and the same is hereby repealed, and it shall be the duty of said trustees, when vacancies shall happen in their board, by the death, removal or resignation of any of its members, to fill the same. Duty of trustees.

SEC. 2. *Be it enacted*, That the rights, powers and privileges granted by said act, to said College, shall always be subject to repeal, by its being made to appear to the Legislature by proof, that the said college has made an illegal or improper use of its privileges or powers: *Provided*, that previous notice shall be given to the President and one or more of the Trustees of said College of the time and place, when and where such proof shall be taken; *and provided also*, that said College shall have a right to show, by proof Privileges granted.

on its part, that any complaint made against them, is unjust and ought not to be heard.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXXXIX.

An act to extend the Rhea Academy, in the town of Greenville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the trustees of the Rhea Academy be, and they are hereby authorised and required to appropriate any sum or sums of money now in their hands, or that may hereafter be paid over to them, not exceeding fifteen hundred dollars, and not otherwise appropriated or incumbered, to the purchasing of a lot in the town of Greenville, and erecting a suitable building thereon, for the instruction of females.

SEC. 2. *Be it enacted,* That the said trustees of Rhea Academy are hereby authorised and empowered to purchase, receive, hold and dispose of any lands, tenements, goods or chattles which have or may be given, granted or devised to them, or purchased by them, for the exclusive use and benefit of the female department of said Academy, in such manner as they may deem right and proper.

SEC. 3. *Be it enacted;* That said trustees shall have power to hold such meetings at such times and places as may be agreed upon by a majority of the board of trustees aforesaid to make such rules, by-laws and regulations relating to the management, interest or government of said female department, as a majority of said board may deem expedient: *Provided,* they are not inconsistent with the constitution and laws of the United States or of this State.

SEC. 4. *Be it enacted,* That said trustees of Rhea Academy shall, after the passage of this act, make no investment of the funds belonging to the said Institution before the first day of May next, any law to the contrary notwithstanding.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 8, 1842.]

CHAPTER CXL.

An act to impose certain duties upon Overseers of Roads.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of all overseers of public roads in this State, wherever a stream or run crosses such road, over which there is no sufficient bridge, and when the stream or run is of a width to admit of it, or where the banks will admit of it to place across such stream or run on one margin or the other of said road, or where circumstances may require it within a short distance of said road, on the one side or the other of it, a foot log, for the passage of travellers on foot, and others, which foot log shall be well hewn, of durable timber, at least one foot wide, flat on the top, and shall be abutted on either side of said stream or run upon good solid abutments of stone or timber above high water mark. Duty of overseer

SEC. 2. *Be it enacted,* That in case any overseer as aforesaid, shall fail or neglect, within reasonable time after the passage of this act, to make such erection and place, or fix foot logs as aforesaid, that such overseer shall be liable to an indictment, as for a failure to keep public roads in repair. Overseer liable:

SEC. 3. *Be it enacted,* That in all cases it shall be the duty of all hands assigned to work upon such roads aforesaid, to assist the overseer of the road in performing said duties as in other cases of working on public roads, and that in case of failure, such hands shall be subject to the same penalties as in other cases of failure to work on public roads: *Provided,* that where any creek or run over which, by virtue of this act, a foot log is required to be constructed, is the dividing line between two overseers, said log or logs shall be placed jointly by said two overseers. Duty of hands,

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER CXLI.

An act to amend the penal laws of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whoever shall sell spirituous or vinous, or other fermented or intoxicating liquor, in any quantity, to any free person of color, or to any slave or Not to sell to free persons of color.

slaves, which shall be drank, or intended to be drank at the place where sold, shall be deemed guilty of a misdemeanor, and on conviction thereof, upon indictment or presentment, shall be fined as in other cases of misdemeanor, and imprisoned for a period not less than one week nor longer than thirty days, in the common Jail of the county.

Not to sell to
slaves

SEC. 2. *Be it enacted*, That no person shall sell any spirituous, vinous, fermented or intoxicating liquors in any quantity, to any slave or slaves, though not drank, or intended to be drank at the place where sold, without permission from his or her owner, master or mistress, or agent of the owner; and whoever shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, upon indictment or presentment, shall be fined as in other cases of misdemeanor, and imprisoned for a period not less than one week, nor more than thirty days, in the common Jail of the county.

Duty of Court. SEC. 3. *Be it enacted*, That it shall be the duty of the court to give this act in charge to the Grand Jury, and it shall be the duty of all Grand Juries to make diligent inquiry concerning all offences that may be committed in violation of this act, and when they, or any of them, shall have a reasonable ground to believe that such offence or offences have been committed, they shall have the same power to send for persons and witnesses that they now have in cases of gaming, and no prosecutor shall be necessary on any indictment under the first and second sections of this act.

SEC. 4. *Be it enacted*, That all violations of the penal laws may be prosecuted by indictment or presentment, of a Grand Jury, and in case of a prosecution, upon presentment, the same may be made upon the information of any one of the Grand Jury.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER CXLII.

An act to incorporate the Brownsville Female Institute, in the county of Haywood.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James W. Strother, Esq., John Wood, William B. Grove, Esq., R. F. Macklin, Genl. William H. Loving, Doct. William Howell, Doct.

E. Haywood, Howell Reid, Doct. Samuel Watkins, Nicholas T. Perkins, Esq., Rev. Thomas Owen, Rev. C. Coggsbill, James B. Stainlow, Doct. S. W. Calwell, H. W. Colter, David Hay, Esq., William L. Miller, Esq., Howell Taylor, Hiram Bradford, Doct. D. G. Whitaker, John F. Felts, Esq., John Reed, Doct. H. O. Whitlow and Doct. James C. Jones be, and they are hereby constituted a body corporate and politic, by the name of the trustees of the Brownsville Female Institute, and shall have perpetual succession, and be capable, in law or otherwise, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattles, which shall be given, granted, devised to them or purchased by them for the use and benefit of said Academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of the Academy aforesaid, and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law and equity in this State or elsewhere.

SEC. 2. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings at said Academy, at such times as may be agreed upon from time to time by a majority of the board of trustees aforesaid, to appoint a President, Secretary and Treasurer of said board, and fill all vacancies that may happen by death, resignation or otherwise, but not less than seven members shall constitute a quorum to transact any business relating to the management, interest or government of said Institution. Power of trustees.

SEC. 3. *Be it enacted*, That said board of trustees, together with their Secretary and Treasurer, shall have power to make such by-laws, rules and regulations, relative to said Academy and government thereof, and their own proceedings, as a majority of said board may deem right and proper: *Provided*, they are not inconsistent with the constitution and laws of the United States, and of the State of Tennessee. Further power.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 1, 1842.]

Speaker of the Senate.

CHAPTER CXLIII.

An act to incorporate the Trustees of the Tusculum Academy.

SEC. 1. *Be it enacted by the General Assembly of the*

Body politic. *State of Tennessee,* That the Rev. Samuel W. Doch, President, John M'Gaughy, John Moore, James Broyles, Alexander Williams, Andrew Johnson, William Crawford, Robert J. M'Kinney, Hon. Thomas D. Arnold, William West, Hon. John Blair, Silas Dobson, Jeremiah Moore, Joseph Henderson, William B. Robinson, Joseph Bullen, James Robinson, Richard M. Woods, Rev. Isaac Brougham, Rev. Francis A. M'Corkle, William Denny, Henry Earnest, Robert Rankin, William M. Lowry, James Hale and John Jones, shall be, and they are hereby declared to be a body politic and corporate, by the name of the President and Trustees of the Tusculum Academy, in Green county, and they shall have succession, and a common seal; and the said trustees and their successors, or the President, or any six trustees, shall have, and they are hereby vested with the legal power and capacity to buy, receive, possess, alien and dispose of any property or money for the use and benefit of said Institution, and may sue and be sued, commence and prosecute any legal process or processes, and have the like instituted against them in any court of record, in the most ample manner.

Shx to constitute a quorum.

SEC. 2. *Be it enacted,* That the President of the Academy, with any six of the trustees who may be present at the Academy, shall be a board adequate to the transaction of business. In the absence of the President, any seven of the trustees being convened on their own adjournment, may choose a Vice President to act during such absence, and that the President and Vice President, and each trustee, before entering upon the execution of his office, shall take an oath before some Justice of the Peace for said county, to faithfully execute his respective office, which shall be entered upon the records of the Academy, and the President or any trustee shall have the right at any time to resign his office, by signifying such resignation to the Board; and the Board shall have power to remove from office, the President, Vice President, or any trustee when they may think proper, and to fill all vacancies which may occur in the Board by removal, death, resignation or otherwise.

Power of Board. **SEC. 3.** *Be it enacted,* That the Board shall have full power to appoint a Secretary, Treasurer, Professors, Tutors and all officers necessary for conducting the concerns of the Academy, and to displace and supersede them at pleasure; and they shall meet on their own adjournments, or at the call of the President or Vice President, or any two of the trustees at the Academy, and they shall have power to examine the students; to confer the usual literary honors; to erect all necessary buildings; to adopt any measure they may think proper, to advance the cause of litera-

ture at said Academy, and to make any by-laws, rules and regulations relating to the same, and the government thereof, and their own proceedings as a majority of said board may deem right and proper: *Provided*, they are not inconsistent with the constitution and laws of the United States, and of the State of Tennessee, and they shall further take effectual care that the advantages of a liberal education on the honors of the Institution shall be equally accessible to students of all denominations.

SEC. 21. *Be it enacted*, That nothing herein contained shall be so construed as to prevent any future Legislature from altering, repealing or amending the same when in their opinion the public good shall require it.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 1, 1842.]

CHAPTER CXLIV.

An act to amend and explain part of the second section of an act passed at the present session, to consolidate the funds, and to provide for but one instead of two separate classes of common schools, in the Hiwassee and Ocoee District, in the State of Tennessee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any county line shall run through any school section of land in the Hiwassee or Ocoee District, it shall be lawful for the common school commissioners of said school land, to make their return to the county court clerk, as the law requires of them, in the county wherein the largest quantity of the tillable land lies. To make return to court Clerk.

SEC. 2. *Be it enacted*, That common school commissioners, elected under the provisions of the above act, be, and they are hereby authorised to take the census of the scholastic population of the respective and several townships, and to make report thereof, by the first Monday in April or May coming, and that the superintendent of Public Instruction, be authorised and required to found his next apportionment to said township, on the census to be so taken, and returned.

SEC. 3. *Be it enacted*, That the common school commissioners, elected under the said act, of the 13th of December, 1841, for the fourth township and first range, West Commissioners authorised.

have been heretofore apportioned to the seventh District, of Meridian, in the Hiwassee District, McMinn county be, and they are hereby authorised to collect the funds which which includes a portion of the above described township, and which funds have not been used, and when collected and recovered, shall be applied by them as prescribed by the above act, to which this is an amendment.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 1, 1842.]

CHAPTER CXLV.

An act granting to Elijah Frost, a turnpike road. Also granting to Andrew K. Parker, John G. Lentine and Nicholas M. Gillentine, a turnpike road.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be granted unto Elijah Frost, of White county, a turnpike road, from the bank of the Calf Killer River, in said county, passing up the mountain, at or near Glenn's Gap, to the road leading from Sparta to Knoxville, at or near Crossville; and the said Frost shall have two years, from the first day of January next, to open and put the same in repair, and shall have the right, exclusively, to charge the toll thereon, as specified by this act, for twenty years thereafter.

SEC. 2. *Be it enacted,* That said road shall be opened Width of road. at least eighteen feet wide, clear of stumps, rocks and all other obstructions, the creeks and drains bridged where necessary, gullies and holes filled up so that carriages can pass with convenience, and shall keep the same in good repair at all times, and in case of failure, shall be liable to an indictment in the circuit court of the county through which the road runs, which is out of repair, and upon conviction, fined as overseers of roads are fined in similar cases, and for the second offence, shall, at the discretion of the court, be fined double the sum.

SEC. 3. *Be it enacted,* That David Snodgrass and Commissioners appointed. William Glenn, are hereby appointed commissioners upon said road, and shall, so soon as they are notified by said proprietors, that the road is completed, view the same, and if they find the same in the repair contemplated by this act, they shall authorise the said Frost to erect one gate thereon,

and to charge the following rates of toll: For each man and horse, twelve and a half cents; for each cart, twenty-five cents; for each waggon, fifty cents; for each four wheel pleasure carriage, one dollar; for each horse or mule in a drove, two cents; for each hog, cow or steer in a drove, one cent; and it shall be the duty of the said commissioners, to view the said road from time to time, and if, at any time, they shall find the same out of the repair designated by this act, they shall open the gate, and no toll shall be charged until the same is put in the repair aforesaid, and authorised by the commissioners.

SEC. 4. *Be it enacted*, That if the said proprietor shall presume to charge toll at his gate, after the gate is thrown open by the commissioners, and before he is authorised by them, as specified in this act, he shall forfeit and pay ten dollars to the person aggrieved, to be recovered before any Justice of the Peace, and if any person shall forcibly go through said gate, or go around the same to avoid the payment of toll, he shall forfeit and pay to the proprietor, ten dollars, to be recovered in like manner.

Forfeiture:

SEC. 5. *Be it enacted*, That there is granted to Andrew K. Parker, John Gillentine and Nicholas M. Gillentine, a turnpike road, across the Cumberland mountain, from the foot of the mountain, at or near William Denny's, in Van Buren county, passing the town of Spencer, in said county, to the foot of the mountain, in Marion county, in a direction to Chattanooga; and two years is hereby given them to complete the same, and they shall have the exclusive right to charge toll thereon, for twenty one years from the time the same is by this act to be completed.

Turnpike road granted.

SEC. 6. *Be it enacted*, That the said proprietors shall open and put the said road in the same repair as is required by this act, for granting to Elijah Frost, a turnpike road, and shall be liable to the same penalties, and have the same rights and powers as is therein prescribed.

SEC. 7. *Be it enacted*, That William Denny and Joseph Cummins, are appointed commissioners on said road, to view the same as prescribed in this act, and the proprietors shall have the same rates of toll as is therein, in this act, given to Elijah Frost, and the commissioners shall receive two dollars per day for viewing said road, to be paid by the proprietors.

Commissioners appointed.

SEC. 8. *Be it enacted*, That there is granted to John H. Carmichael and Benjamin Rains, a turnpike road leading from Sparta up the Calf-Killer; leaving said road near where Matthew G. Moore now lives, and intersecting the road leading from Sparta to the Crab Orchard, near Wilcoxes',

to be put in the same repair, to have the same toll and Commissioners of Frost's road, as designated in this act, and in all things governed by the same rules and restrictions: *Provided*, the citizens of White, Van Buren and Marion counties shall not pay toll at any of said gates; said road shall be measured and mile marked.

Power of com-
pany.

SEC. 9. *Be it enacted*, That the Hiwassee Rail Road Company be, and they are hereby authorised and empowered to receive tolls at the bridge or bridges which may be erected by said Company, across the Hiwassee and Tennessee rivers: *Provided*, the same be suitably arranged and constructed for common travelling, separate and distinct from the Rail Road track; and such company shall be entitled to demand and receive the same rate of toll as now fixed by law, for crossing the bridge on Tennessee river, as is now prescribed by law, as the rate of ferriage at the nearest ferry to said bridge, and the rate of toll for crossing the bridge over the Hiwassee river shall be at the same rate as that now prescribed by law for the ferriage of the Hiwassee river at Charleston: *Provided always*, that nothing herein contained shall be construed so as to allow said company to exact any extra charge from Rail Road passengers for crossing said bridges.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Jan. 28, 1842.]

CHAPTER CXLVI.

An act directory to the Secretary of State, to have bound certain pamphlet acts of Congress, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be, and he is hereby directed to have twenty-five copies of the pamphlet Acts of Congress in his office, bound in volumes of convenient size, and that he be authorised to obtain such copies as may be wanting to make a complete series from the organization of the General Government, up to the present period.

SEC. 2. *Be it enacted*, That he be further directed to have the pamphlet acts of the laws of other States which may be in his office, bound into volumes of convenient size. Acts of other states to be bound

SEC. 3. *Be it enacted*, That he be further directed to have fifty copies of the Journals of the present session of the General Assembly bound for the use of the State, and to procure and have bound such other and further Acts and Journals as may be wanting in the office of the Secretary of State. Journals and Acts to be bound

SEC. 4. *Be it enacted*, That the Comptroller be authorised to pay upon the certificate of the Secretary of State, such amounts of money as may be necessary to carry this act into effect, and also such further sum not exceeding fifty dollars, as may be necessary to fit up shelves and provide desks in the Secretary's office, for the preservation of the public documents. Comptroller authorized.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER CXLVII.

An act to amend an act entitled "an act to prescribe certain duties to be performed by the Clerks of the several Courts in this State, passed Feb. 15, 1836.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the several Clerks of the county courts, circuit courts, chancery courts and supreme courts in this State, on or before the first day of November in each and every year, to pay to the Treasurer of the State, or to such other person as the Treasurer may instruct him to pay the same, all such sum or sums of money as they, or either of them may have collected, up to the first day of September, and said Clerks shall render unto the Comptroller of the Treasury, on or before the said first day of November, a statement in conformity with the existing laws of this State. Duty of Clerks.

SEC. 2. *Be it enacted*, That it shall be the duty of the several Attorneys General in this State, at the first court after the first day of November, in each and every year, to call on said clerks in their respective districts, for their receipts for the public moneys by them collected as aforesaid, and also the Comptroller's receipt for the statement of moneys collected; and if the said clerks should not produce the Duty of Attorneys General.

receipts when called on, or in any other way fail to comply with the requirements of this act, and the act which this is intended to amend; then it shall be the duty of the court to dismiss such clerk from office.

SEC. 3. *Be it enacted*, That all laws, and parts of laws, coming within the purview and meaning of this act, are hereby repealed.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5th, 1842.]

CHAPTER CXLVIII.

An act to provide for furnishing the new counties with the Statute laws of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State procure a sufficient number of copies of Caruthers' and Nicholson's compilation of the statute laws of this State, to furnish each Justice of the Peace in the new counties that have not been provided for.

Duty of Secretary of State.

SEC. 2. *Be it enacted*, That it shall be the duty of the county court clerk, in each new county, that has not been furnished with the statute laws of this State, to furnish the Secretary of State with a certified copy of the number of copies that have been received, and what number is necessary to furnish each Justice of the Peace in such new counties, that have not been heretofore furnished.

To receive proposals.

SEC. 3. *Be it enacted*, That the Secretary of State be required, on the receipt of the aforesaid certificate, to procure and forward, with the acts of this session of the Legislature, a sufficient number of copies of said statute laws to furnish such new counties.

SEC. 4. *Be it enacted*, That the Secretary of State shall receive proposals, and make contracts for the delivery of said work to the different clerks of the county courts of such new counties, in the same manner that he is, or may be required by law, to do in relation to the acts and journals of the present session of the General Assembly.

BURCHETT DOUGLASS.
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CXLIX.

An act to change the time of holding the circuit courts for the counties of McNairy, and Hardeman, and to attach Tipton county to the tenth Judicial circuit.

SECTION 1. *Be it enacted by the General Assembly* When to be held of the State of Tennessee, That hereafter, the circuit courts of the county of McNairy, shall be holden on the fourth Mondays in December, April and August, instead of the times now required by law to be holden.

SEC. 2. *Be it enacted*, That hereafter, the circuit courts for the county of Hardeman, shall be held on the first Mondays in January, May and September, instead of the times now required by law to be holden.

SEC. 3. *Be it enacted*, That the county of Tipton shall hereafter be attached to the tenth Judicial circuit, and it is hereby made the duty of the Judge of the tenth Judicial circuit, to hold the several circuit courts in said county of Tipton.

SEC. 4. *Be it enacted*, That the first courts to be holden in each of the aforesaid counties, after the passage of this act, shall be holden at the times heretofore provided by law, and that all subsequent terms thereof, shall be holden at the times herein before prescribed; any thing in this act to the contrary notwithstanding.

SEC. 5. *Be it enacted*, That the chancery court at Sparta, shall be held on the second Mondays of April and October, in each and every year, and the chancellor shall proceed, on the second Monday in April next, to appoint a clerk and organise said court, and so much of the act establishing said court as comes within the purview of this act be, and the same is hereby repealed.

SEC. 6. *Be it enacted*, That the circuit courts of Lauderdale county, from and after the court to be held in February, 1842, shall be held on the 1st Mondays in February, June and October.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 4, 1842.]

Speaker of the Senate.

CHAPTER CL.

An act to continue Doctor Gerard Troost Geologist, Mineralogist and Assayer for the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of*

Geologist appointed. *the State of Tennessee*, That Doctor Gerard Troost, Professor of Mineralogy, Geology and Chemistry in the University of Nashville be, and he is hereby continued Geologist and Assayer for the State for the next two years, with the same salary as is allowed by an act, passed January 29th, 1840.

Duty of Geologist. SEC. 2. *Be it enacted*, That it be, and it is hereby made the duty of Doctor Gerard Troost, Geologist and Assayer for the State, within the succeeding two years, to visit the Western Division of this State, (commonly called the Western District,) and analyze some portion of the soil, in at least two of the counties in each Senatorial District, in said Division, and report the constituent elements of the soils so by him to be analyzed to the next General Assembly of this State.

Further duty. SEC. 3. *Be it enacted*, That in passing through said Division for the purposes aforesaid, it shall be the duty of said Troost, to make a Geological survey thereof, with a view to discover any metals or minerals it may contain, and report the result of such examination to the Legislature of this State, at its next regular meeting.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLI.

An act to revive the charter of the Nashville Bank.

Charter revived. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter heretofore granted by the State of Tennessee to the Nashville Bank, which expired at the end of the year 1838, be, and the same is hereby revived, so far as to enable said corporation to sue and be sued, plead and be impleaded, to use their former common seal, and in other respects to exercise the powers originally granted to said corporation, so far as they may be necessary to bring the affairs thereof, which may be now pending and unsettled, to a final settlement and determination, and so far as they may be necessary to the collecting their debts, the payment of their debts, and the distribution of the surplus among the stockholders.

Election of Directors. SEC. 2. *Be it enacted*, That an election of directors shall take place on the first day of May, 1842, of which

notice shall be given as provided in the original charter, which directors shall choose a President, and may also appoint such servants and agents under them as they may deem necessary, to carry out the business of said Institution.

SEC. 3. *Be it enacted*, That this charter, as revived, shall continue in force only for five years from and after the said first day of May, 1842; and the Board of Directors, or any other person connected with the Bank, shall not have the right to issue any bank notes or bills of exchange.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLII.

An act to authorise the refunding of money to Sheriffs and Tax Collectors in certain cases.

SEC. 1 *Be it enacted by the General Assembly of the* Lands reported. *State of Tennessee*, That in all cases where any Sheriff or Tax Collector has heretofore reported any lands for the non-payment of taxes, which lands were upon the tax list when it came to the hands of such sheriff, and the court to which such report has been made, and may have entered up judgment against the said lands for the taxes, costs and charges severally due thereon: and such sheriff or tax collector may have been prevented from making sale of such lands for the taxes, costs and charges due thereon, in consequence of the refusal or failure of the publisher of any newspapers in which said lands are required by law to be advertised for sale, and such sheriff or tax collector may have been compelled to pay the taxes due on such lands into the public treasury, it shall be the duty of the Comptroller of the Treasury to audit and settle the accounts of such sheriff and tax collector, and to issue his warrant to the Treasurer for the amount of money so paid by such sheriff or tax collector upon lands which he may have so reported, and may have been unable to sell in consequence of the refusal or failure of such publisher of any newspaper to advertise the lands for sale, and it shall be the duty of the Treasurer to pay the amount of such account.

SEC. 2. *Be it enacted*, That in all cases wherein by

Duty of county
court.

the first section of this act, taxes paid by any sheriff or tax collector upon lands reported for non-payment of taxes, such taxes are required to be refunded to such sheriff or tax collector, from the State Treasury; and it shall be the duty of the county courts, a majority of all the Justices being present; to release said sheriff or tax collector from payment of such taxes upon lands so reported by such sheriff or tax collector of his county.

BURCHETT DOUGLASS,
Speaker of the House of Representatives,
SAM. TURNEY,

Speaker of the Senate.

Passed Feb 4, 1842.]

CHAPTER CLIII.

An act to remedy the informality of Deeds of conveyance, and other instruments executed by an Attorney.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any deed of conveyance or other instrument shall have heretofore been made and executed by an attorney, with a legally written power of attorney for that purpose, and said attorney in executing said deeds of conveyance or other instruments, shall have signed his name as attorney for the grantor or principal, in the place of signing the name of the grantor or principal by him as attorney; said deeds of conveyance or other instruments shall not be invalidated thereby for mere want of formality, but shall have full force and effect to pass the title or to confer the powers intended to be conveyed: *Provided,* that nothing herein contained, shall be so construed as to effect the rights of creditors or *bona fide* purchasers for a full consideration; *and provided further,* that it shall appear from the deed that the agent executed the same for his principal, and not for himself; and the same shall be construed so as to carry into effect the intention of the parties: *Provided,* said power of attorney shall have been registered as by law required.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLIV.

An act to amend the act of 1837--8, incorporating Union Seminary in Maury county

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act entitled "an act to incorporate the trustees of the Union Seminary, in Maury county, passed January 15th, 1838, be so amended, that hereafter the contributors or subscribers to the said Union Seminary, shall elect by ballot, twenty trustees for said Seminary, instead of their being appointed by the trustees where vacancies occur, either by death, resignation, removal or otherwise, and such trustees, when so elected, shall have all the powers and rights, and perform all the duties required of trustees as heretofore directed in the statute, which this is intended to amend.

SEC. 2. *Be it enacted*, That every subscriber or contributor to the said Union Seminary shall be entitled to one vote for every twenty-five dollars subscribed and paid by him, her or them, and each subscriber may vote either in person or by ballot, or he, she or they may empower any other person by proxy or power of attorney to vote for them; any law, usage or custom to the contrary notwithstanding.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPTER CLV.

An act to amend the Militia law of this State.

Be it enacted by the General Assembly of the State of Tennessee, That the Regimental Musters in the 20th Brigade, shall be as follows, to wit: For the county of Perry, on the first Friday and Saturday in September; for the county of Henderson, on the Monday and Tuesday following; and for the county of Madison, on the Thursday, Friday and Saturday following; the respective Regiments highest in number, to Muster first in the order in which they are herein arranged.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed 5th Feb. 1842.]

Speaker of the Senate.

CHAPTER CLVI.

An act requiring the collecting officers of Hardin county, to make their returns at Jackson.

Be it enacted by the General Assembly of the State of Tennessee, That the clerks, collectors and other officers of Hardin county, who may be required by law to pay money into the Treasury, shall hereafter make their returns and settle with the Comptroller at Jackson, at the same time the clerks and sheriffs of the several counties in the Western District are required to make their settlements.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLVII.

An act to amend the act of 1817, chap. 65, section 4; fixing the compensation of Attorneys General in this State.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the fourth section of the act of 1817, chap. 65, as allows to each Attorney General in this State, whose District embraces a place of holding the supreme court, the sum of one hundred and fifty dollars annually, as a compensation for his services, be, and the same is hereby repealed; and that hereafter, said Attorneys General shall receive the same, and no greater compensation than is now allowed by law to other Attorney Generals, to be paid in the same manner as is now provided by law in other cases.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLVIII.

An act to amend an act entitled "an act to distribute the Academy monies, and for other purposes," passed January 27th, 1840.

Be it enacted by the General Assembly of the State

of Tennessee, That in case the county courts of any of the counties in this State shall fail, or have failed to appoint trustees for their respective county Academies, as provided in the eighth section of the above recited act, they shall have power to appoint trustees at any subsequent term of said court, who shall hold their offices until the next regular time of appointing trustees under the above recited act, or until their successors are appointed.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLIX.

An act to amend the act of 1835, chap. 11, sec. 1, providing for the appointment of Notary Publics.

Be it enacted by the General Assembly of the State of Tennessee, That the Notary Public last elected by the county court of Fayette county; shall, and he is hereby required to keep his office in the town of Lagrange, and hereafter it shall be the duty of the county court for said county, whenever a vacancy occurs in either of the offices of Notary Public, immediately to fill the same, and forever hereafter one of said Notary Publics shall keep his office in the town of Lagrange, and the other shall keep his office in the town of Sommersville.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLX.

An act concerning Forge or Mill Dams in Holstein River.

Be it enacted by the General Assembly of the State of Tennessee, That no forge or dam now erected in or across the Holstein river, shall be abated, except declared to be an obstruction to the navigation of said river, by a jury of

twelve lawful citizens of the county in which said dam may be located.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPTER CLXI.

An act to incorporate the Caroline Medical Springs in the county of Warren.

Be it enacted by the General Assembly of the State of Tennessee, That Henry P. Spong, the owner of a large tract of land, containing about 640 acres, in the county of Warren, in which is situated valuable Chalybeate and other Mineral springs, be incorporated under the name and style of Caroline Medical Springs, upon the same terms and conditions as are prescribed for the incorporation of the Bersheby Chalybeate Springs, passed on the 23d day of December, 1839: *Provided,* that nothing herein contained shall be so construed as conferring any vested right, but may be repealed by any subsequent Legislature.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5th, 1842.]

CHAPTER CLXII.

An act to authorize the Trustees of Huntingdon Academy to dispose of lot No. 95 in said town.

SEC. 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That the trustees of Huntingdon Academy, in the county of Carroll be, and they are hereby authorised to sell or dispose of in any way that may seem to them most advantageous to said Institution, lot No. 95 in said town.

SEC. 2. *Be it enacted,* That the trustees of said Institution may sell, lease, or rent said lot publicly or privately, and that when sold, leased or rented, and the proceeds col-

lected, said trustees are hereby required to apply the same to the use and for the benefit of said Academy.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPTER CLXIII.

An act to extend the corporate limits of the Town of Dresden, in the County of Weakley.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the corporate limits in the town of Dresden, in the county of Weakly be, and the same are hereby extended in the following manner, to wit: Beginning at a stake, James H. Moran's south west corner of his meadow lot, on the corporation line, running north with said Moran's west boundary line of his meadow lot, to the north bank of Mud creek, thence up the north bank of said creek as it meanders, to Jesse Edmonston's east boundary line, between said Edmonston's and William Camp, thence due east, a sufficient number of poles, to include James E. Bon-durant's family residence, thence south one hundred poles, and thence west to the corporation line.

SEC. 2. *Be it enacted,* That the laws heretofore governing the corporation of the town of Dresden be, and the same are hereby extended to the limits of said corporation as enlarged by this act: *Provided,* that the property of William Camp shall be exempted from this act.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLXIV.

An act to amend the charter of the Planters' Bank of Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That the Directors of the Planters' Bank of Tennessee are hereby authorised to remove any of its Branches which are established at particular places by law,

from such place or places, to any other place or places in this State: *Provided*, a majority of the Stockholders residing in the county where any Branch is now established, which it is proposed to remove, should not on application object thereto; and in case there should be no Stockholders in a county where a Branch is now located, the Directors of the Planters' Bank, may remove such Branch to some other point: *Provided*, the citizens of the town where said Branch is proposed to be established, shall desire it.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLXV.

An act to amend the act of 1831, chap. 24, in relation to the granting of letters of administration, or letters testamentary on the estates of non-residents; testators or intestates.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter, it shall and may be lawful for the county court of any county in this State, upon the application of any person interested, his, her, or their agent or counsel, to grant letters of administration, or letters testamentary upon the estate of any person who resided at the time of his or her death, in any State or Territory of the United States or Foreign Country: *Provided*, it shall appear, to the satisfaction of the court, that any citizen of this State, or person having property, chosed in action or debts due them within this State, was indebted to such decedant at the time of his death, which debt, at the time of such application, is still due and unpaid.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLXVI.

An act to amend and extend the charter of the White's Creek turnpike company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the*

State of Tennessee, That Thomas Crutcher, James A. Porter, William G. Harding, Hugh Kirkman, George W. Martin, Nathaniel A. McNairy, Samuel Seay, Boyed McNairy, J. B. Snowden, James B. Ferguson, William K. Turner and Henry Dickinson be, and they are hereby appointed commissioners in place of the present or former commissioners of the White's Creek turnpike company, with the same powers that were conferred on said commissioners in the charter granted to said White's Creek turnpike company, by an act of the General Assembly, entitled an act to incorporate a company for opening a turnpike road from the Nashville bridge to the top of the ridge, at or near Shannon's, on the Russellville and Clarksville roads; passed the 2d of January, 1830; and the said corporation shall have the further time of five years to complete the said road.

SEC. 2. *Be it enacted*, That it shall be discretionary with the commissioners appointed by this act, at what point they will ascend the ridge aforesaid, mentioned in the charter, and it shall also be discretionary with them to direct that the metal or covering of the road shall be either rock or gravel, at their option. Appointed com.
missioners.

Discretionary
power.

SEC. 3. *Be it enacted*, That the commissioners, in locating said road, shall run the same between Mrs. Pages' and the Cumberland River.

SEC. 4. *Be it enacted*, That Thomas J. Munford, of the county of Wilson, is hereby constituted a sole corporator for the purpose of constructing a McAdamized or gravelled turnpike road from the Northern bank of Cumberland River, the termination of the Cumberland and Stone's River turnpike, to a point on the Gallatin and Scottsville turnpike, near Union Meeting House, on Bledsoe's creek, in Sumner county. That as such, he shall enjoy all the privileges, and be subject to the same regulations and restrictions that are imposed on the Nashville and Lebanon turnpike company, except that, under no circumstances, shall the State subscribe for stock in said road. Appointed sole
corporator.

SEC. 5. *Be it enacted*, That said corporator shall be authorised to open books for the purpose of raising, by subscription, a sum sufficient to construct said road. To open books:

SEC. 6. *Be it enacted*, That the McAdamized portion of said road shall be, in all respects, equal to the Nashville and Lebanon turnpike, and the gravelled portions equal to the Lebanon and Sparta turnpike. Equal to other
roads.

SEC. 7. *Be it enacted*, That said road shall be completed within five years from the passage of this act.

SEC. 8. *Be it enacted*, That when any portion of said road shall be completed, said corporator shall have power to apply to the county court of Sumner county, whose duty When complet-
ed.

it shall be to appoint three commissioners to examine said road, and when four miles of said road shall be completed according to this act, which shall be determined by the certificate of the said commissioners, therefore, the said corporator shall have power to erect a toll gate at any point that may suit his convenience, not more than one mile from the river, and in like manner, when the remainder of said road shall be completed as aforesaid, he shall have power to erect another toll gate, not nearer than four miles to the first gate.

SEC. 9. *Be it enacted,* That said corporator shall pay ^{Commissioner's} two dollars per day to each commissioner acting under the ^{pay.} order of the county court aforesaid, for every day they may be severally employed in the inspection of said road.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLXVII.

An act to incorporate the Kingsport wool manufacturing company.

SEC. 1. *Be it enacted by the General Assembly of the* ^{Company estab-} *State of Tennessee,* That there be established, a manufac- ^{lished,} turing company, known by the name of the Kingsport manufacturing company, and the subscribers thereto, and their associates and successors shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name by the name of the Kingsport wool manufacturing company, for the purpose of manufacturing woolen goods or any fabrics of which wool is a constituent part, at or near the town of Kingsport, in the county of Sullivan, in this State, and by that name, they and their successors shall be, and they are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places whatsoever, and to make and use a common seal, and the same to alter and renew at pleasure, and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable, in law, to purchase and hold any lands or tenements in or near Kingsport, and goods and chattles necessary or convenient for carrying on the manufacturing purposes as aforesaid, and the same to use and employ, grant and dispose of as they shall deem proper, and to have all

the rights and privileges pertaining to corporate bodies necessary for the purposes of their incorporation, and books for subscription of stock shall be opened in the months of March and April, at Kingsport, under the superintendence of said commissioners, and three of said commissioners shall be sufficient to perform the duties of their appointment, and they shall keep the books open for subscription aforesaid two months, and the amount of the shares subscribed shall be paid as required by the directors of said company.

SEC. 2. *Be it enacted*, That the capital stock of said Capital stock. company shall not exceed two hundred and fifty thousand dollars, to be subscribed in shares of one hundred dollars each, and as soon as two hundred and fifty shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice, published in a newspaper printed in East Tennessee for a period not less than thirty days, call a meeting of the stockholders of said company for an election of five directors.

SEC. 3. *Be it enacted*, That the stock property and To be managed
by Directors. concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom shall be President, and they shall hold their offices for one year, and until others are elected in their places, and the stockholders may vote either in person or by proxy, and shall be entitled to one vote on each share of the capital stock, they may severally hold in said company, and at every election of directors, the stockholders having the greatest number of votes shall be directors; and Orville Bradley, William Lynn, Griffith Ragan, Jesse S. Ganes and Eldridge Hord, or any three of them shall be inspectors and Judges of the first election, and the said directors, when elected, shall choose, out of their own number, a President, and the said President and directors shall, annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three stockholders, not being directors, as inspectors and Judges of election, and the said President and directors may make, ordain and execute such by-laws and regulations for the government of said corporation in their proceedings, and for the management of the stock and property of said company as may by them be deemed necessary and convenient: *Provided*, the same be not repugnant to the constitution and laws of this State, or of the United States, and the said President and directors, or a majority of them, may appoint such agents and allow them such compensation as they may think proper, and may remove the same at their pleasure.

SEC. 4. *Be it enacted*, That as soon as ten dollars on When to commence operation each share of the capital stock subscribed shall have been

paid, it shall be lawful for the company to commence operations preparatory to the object of the incorporation, and the said President and Directors, or a majority of them, shall have power to call in said stock from time to time, in such instalments as they shall see fit to prescribe, giving thirty day's notice as aforesaid, not exceeding ten dollars on each share on one instalment, and the instalments not less than thirty days apart, and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments, on his or their respective share or shares so called for as aforesaid, the stock of such stockholders so neglecting or refusing, and all previous payments thereon shall be absolutely forfeited to the said company for the use and benefit of the said company.

SEC. 5. *Be it enacted*, That the stock and property of said company of what nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of said company in such manner as shall be prescribed by the laws of said corporation.

Dividend.

SEC. 6. *Be it enacted*, That a dividend of the profits of the said company shall be made semi-annually by the said President and Directors among the stockholders, and the books of said company shall at all times be open for the inspection of the stockholders, or any of them, and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book or books, to be kept by the President and Directors for that purpose.

May be dissolved.

SEC. 7. *Be it enacted*, That the said company may be dissolved at a general meeting of the Stockholders, specially summoned for that purpose: *Provided*, three fourths in value of the stockholders shall be present or represented therein, and shall vote in favor of such dissolution, and upon such dissolution the Directors for the time being, and the survivor and survivors of them shall be trustees for settling all the affairs of said company, disposing of its effects, recovering and paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Election of Directors.

SEC. 8. *Be it enacted*, That all elections of Directors of said company shall be by ballot, and if the President and Directors of said company for the time being, shall at any time neglect or refuse to call annual meetings for the election of Directors as hereinbefore prescribed, the stockholders, or a majority of them may within the time in such case prescribed, give notice, call meetings, and elect Directors in like manner as if said Directors had given notice as prescribed by this act; and if at any election of Directors, two or more stockholders shall receive an equal number of votes,

then the Directors for the time being, shall by ballot, determine which of such stockholders shall be Director or Directors, and on the death or resignation of any of the Directors, the remaining Directors shall choose from among the stockholders, some fit person or persons to fill the vacancy, who shall hold his or their office until the next annual election.

SEC. 9. *Be it enacted*, That in case it should happen that an election for directors should not be held or made on the day that pursuant to this act, it ought to have been held and made, the corporation shall not for that cause be deemed dissolved, but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty day's notice.

SEC. 10. *Be it enacted*, That this act shall continue in full force and effect for and during the term of twenty years from and after the passing thereof, and no longer.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLXVIII.

An act to amend an act entitled "an act to distribute one hundred thousand dollars among the several counties of Middle Tennessee, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners, or any one of them heretofore appointed to superintend and let out the improvement of the rivers in Fentress county, under and by virtue of the act of 1837, chap. 115, to let out the improvements of the rivers of Fentress county; such commissioners, or any of them, may file a petition in open court, before the Judge of Fentress circuit court, setting forth the fact of letting out said improvements; to whom let, what improvement was to be made, where to be made, and by whom to be made, and upon what terms said improvement was to be made, and said Judge shall receive and hear testimony and examine all the facts and law, and if said Judge shall be satisfied and convinced that said commissioners did in good faith, under said act, let out said improvement, that said improvement has been, agreeably to such letting completed, or in part completed, and that no pay or compensation has been made to said commissioners, or any of them, or to the person making said improvement, by the State or any officer of the State for such improvement, then said

Judge shall give his certificate to said commissioners filing said petition, certifying the amount of money which in good conscience should be paid by the State for such improvement or part of improvement, and upon the presentation of such certificate, officially certified to the Comptroller of the Treasury, it shall be his duty to issue a warrant for such sum of money to the Treasurer in favor of said commissioner, to be paid out of any money in the Treasury, not otherwise appropriated: *Provided however*, that the cost of the proceedings shall be paid out of the fund if the petition be granted and the money ordered to be paid: *Provided also*, it shall be the duty of the Attorney General of the fourth circuit, to attend to taking proof and examination of the law and facts in said proceedings under said petition, in behalf of the State.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER CLXIX.

An act to establish the county of Putnam to perpetuate the name and public services of General Israel Putnam, of the Revolutionary War.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a new county is hereby established, to be known by the name of Putnam county, in honor of the brave Revolutionary General of that name, to be taken from the counties of White, Fentress, Overton and Jackson, and bounded as follows: Beginning where the Cumberland River crosses the line between the counties of Smith and Jackson; running thence up the river, with its meanders to the mouth of Indian Creek; thence South-east upon the extreme height of the dividing ridge to a point, from which an East line will cross Martin's Creek, near the mouth of Shaw's Branch; thence crossing Martin's Creek at a point above the mouth of said branch, continuing East so as to leave Gainsborough twelve miles to the North, to the line of Overton county; thence a direct line to William Marchbanks; thence a direct line to the Walton road, where the same strikes the Cumberland Mountain; thence with the said road to George M'Cormacks, in Fentress county; thence a direct line to the line of Morgan county; thence Southward with the same to its corner, at Johnson's stand; thence

South-westwardly to the declivity of Cumberland Mountain; thence Westwardly with the extreme height of the mountain, meandering the Bluff, so that, running West, will strike the ridge dividing the waters of the Calf Killer Fork, of the Caney Fork from the Board Valley; thence upon the extreme height of said ridge, West, leaving Sparta twelve miles to the South, crossing the Falling Water, and running near to where Lawler now lives, including Ditty's Stand, to the corner of De Kalb county; thence with the line of said county, West to Smith county line; thence North with the same to the beginning.

SEC. 2. *Be it enacted*, That, for the due administration Courts to be held of Justice in said county of Putnam, the several different courts, to be holden in said county, shall be held at White Plains, in the said county, until the seat of Justice for said county shall be located, and a suitable house erected for that purpose, the county court, in the intermediate time, shall have full power to adjourn to such other place as they may deem proper in said county, better suited for the holding of the same for the public convenience, and to adjourn to the seat of Justice, whenever, in their Judgment, the necessary arrangements are made, and all writs and other process returnable to either of the places, shall and may be returned to the place where said courts may have been removed by the county court aforesaid, and the said courts to be holden for the said county of Putnam, shall be under the same rules and restrictions, and shall have the same power and jurisdiction as are possessed by other courts of the same character and denomination in the other counties in this State.

SEC. 3. *Be it enacted*, That all officers, civil and military, in said county of Putnam, shall continue to hold their offices, and exercise all of the powers and functions thereof, until others are elected under the constitution and laws made in pursuance thereof; and it shall be the duty of the county court of said county, at their first session, to appoint some suitable person to open and hold elections in each civil district and parts of districts, in said county, on the first Saturday in March, 1842, for the purpose of electing county officers, according to the constitution and laws of this State; also all other officers that, by the constitution, the people are entitled to elect, and the officers so elected, shall have the same powers and jurisdiction, subject to the same restrictions, and have the same fees and emoluments as the officers of other counties have by law; and the said county of Putnam shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State: *Provided*, that nothing in this act shall prevent Duty of county court.

the counties of Jackson, White, Overton and Fentress from exercising jurisdiction over the Territory composing said county, as they now do, until the election of county officers in said county: *Provided also*, nothing in this act shall be so construed as to prevent the counties aforesaid from entering up Judgment, or the sheriffs of said counties from selling, under such Judgment, any lands within the said county of Putnam, for taxes for any preceding year, or to prevent the sheriffs thereof from collecting the taxes due for any preceding year.

SEC. 4. *Be it enacted*, That the citizens of the county of Putnam, in all elections, for Governor, members of Congress, for President and Vice President, and members of the General Assembly, shall vote with the counties from which they have been stricken off, until the next apportionment, agreeable to the constitution.

SEC. 5. *Be it enacted*, That Isaac Buck, Burton Marchbanks, Henry L. McDaniel, Lawson Clark, Carr Terry, Richard F. Cook, H. D. Marchbanks, Craven Maddox, Elijah Con, of Jackson county, or any five of them, are hereby appointed commissioners, any three of whom may act, and they shall employ Mounce Gore, of Jackson county, to survey said county, a platt of which shall be deposited, mark the lines calling for natural objects; and he shall designate the centre thereof, and if it shall appear, from the measurement, that there is not a constitutional Territory, or any of the counties from which the Territory is taken, shall be reduced below their constitutional limits, then it shall be the duty of said commissioners, to designate the place for the seat of Justice, and report the same to the county court of said county, which place, designated, shall not be more than three miles from the centre of said county, as fixed upon by the surveyor aforesaid: *Provided*, the same shall, in no event, be East of the White Plains.

SEC. 6. *Be it enacted*, That, so soon as the said commissioners shall report, it shall be the duty of the county court of said county, to appoint five commissioners, who shall proceed to lay off a town at the place designated, to be known by the name of Monticello, with as many streets, and of such width as they may deem necessary, reserving at least three acres for a Public Square, a lot for a Public Jail, and lots for a male and female Academies, and for the erection of a Church for Public Worship.

SEC. 7. *Be it enacted*, That the commissioners of the town of Monticello, shall sell the lots in said town, on a credit of at least twelve months, first giving due notice thereof, in some news-paper printed in this State, and shall take bond with sufficient security, for the purchase money,

payable to themselves and successors in office, and shall make titles in fee simple to the respective purchasers of said lots, and the proceeds of sales of said lots, shall be a fund in the hands of said commissioners, for defraying the expenses incurred in purchasing the land upon which the said town is erected, and erecting the public buildings.

SEC. 8. *Be it enacted*, That said commissioners shall ^{To build court house, &c.} superintend the building of a court house and jail, and shall let out the building of the same upon such terms, and of such dimensions as the county court of said county shall direct or order, and shall take bond and good security from the undertaker, payable to themselves and successors, for double the sum for which said buildings may be undertaken, conditioned for the faithful performance of the contract.

SEC. 9. *Be it enacted*, That the said commissioners, before they enter upon the duties of their office, shall take an oath before the county court of said county, that they will well and truly perform the duties assigned to them by this act, to the best of their ability, and shall, moreover, execute bond and security in the sum of ten thousand dollars to the chairman of the county court, conditioned for the true and faithful performance of their duties as enjoined upon them by this act, which bond shall be filed in the clerk's office of said county, and the said commissioners shall keep a fair and regular statement of all monies received and expended, which statement, when required, shall, from time to time, be laid before the county court, and when all of the public buildings are completed, pay over what may remain, if any, to the county trustee of said county, and it shall be the duty of the county court to make a reasonable allowance to both sets of commissioners and surveyor appointed by this act, to be paid out of the Treasury of said county. ^{To take oath}

SEC. 10. *Be it enacted*, That the said county of Putnam shall be attached to the chancery court district of ^{To constitute one regiment.} Gainesborough, and all appeals in nature of writs of error, and writs of error shall be taken to the supreme court at Nashville, and the first county court shall be held on the first Monday in February next, and afterwards as the county courts of the other counties of the several counties in this State are held.

SEC. 11. *Be it enacted*, That the said county of Putnam shall constitute one Regiment, and shall be attached to the Brigade to which they are now attached, and the field officers shall meet at White Plains on the first Monday in February next, to lay off and divide the said Regiment into Battallions and companies, and provide for electing all officers in the manner prescribed by law.

SEC. 12. *Be it enacted*, That the first circuit court of

Where held. said county of Putnam shall be held at White Plains, in said county, on the second Monday of March next, and ever after on the second Monday of March, July and November, and the Judge of the fourth Judicial circuit shall hold the courts thereof, and shall adjourn to the seat of Justice whenever the county court of said county shall notify him that a suitable house is erected to hold the court in.

Duty of commissioners. SEC. 13. *Be it enacted*, That it shall be the duty of the commissioners, first in this act appointed, to purchase twenty acres of land, including the town to be laid off, upon the best terms they can, and make report thereof to the county court of said county.

Constitutional Territory. SEC. 14. *Be it enacted*, That if it shall appear, from the survey directed to be made by this act, that there is not a constitutional Territory contained in the bounds of said county of Putnam, or that either of the counties from which it is taken is reduced below the constitutional limits, then this act shall not take effect: *Provided*, that it shall not be lawful for the county lines of the said county of Putnam to approach nearer than twelve miles to the seat of Justice of either of the counties from which it is taken, and, in no case, shall any charge be made upon the State for any cost or charges in establishing the county.

To file bills. SEC. 15. *Be it enacted*, That the citizens of said county may file their bills in the chancery court at Gainsborough, Sparta or Livingston, at their option; and each of said courts shall have jurisdiction of all equity causes in said county.

To establish an Academy. SEC. 16. *Be it enacted*, That an Academy is hereby established at Monticello, in said county, with all of the rights and emoluments of other counties in this State; and the county court shall appoint trustees as in other counties, and shall name the same; and may, at their option, change the name of the county town from Monticello to any other name they may see proper.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Feb. 2, 1842.] *Speaker of the Senate.*

CHAPTER CLXX.

An act for the correction of certain mistakes in the entry of lands in the Ocoee District, and for other purposes.

Lands entered. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where lands may have

been entered in the Ocoee District more than once, and by different persons, either as a general enterer, or occupant enterer, but entered at the same price, and the full price of said land has been paid in by each enterer, severally, and a certificate of entry issued in favor of each person entering as aforesaid, and afterwards they shall be desirous of compromising without appealing to the courts to decide their rights; it shall be the duty of the Entry-taker, on the application of those who have entered the same land after it had been entered by a prior person, and on the production and transfer to the Entry-taker of his or their certificate of entry, to refund to such subsequent enterer or enterers, the money paid for such lands by him or them into the office: *Provided further*, that if the subsequent enterer or enterers shall refuse, on the application of the first enterer to him or them, to surrender up their certificates of entry as before provided, then such first enterer shall have authority to surrender up his, and to have refunded by the Entry-taker the money paid by such applicant into the office for said land, and on the surrendering up of the certificate of entry in the cases before provided for, the entry shall stand alone in the name of and for the interest of those who may not have made such transfers or surrenders of their certificate of entry.

SEC. 2. *Be it enacted, by the authority aforesaid, That* Quarter sections: in all cases where quarter sections of land, or a fractional quarter section lying in the Ocoee District, have been entered by general enterers where occupants under the act of 28th November, 1839, had a preference or priority of entry, and where such occupant or occupants proved their priority of entry as prescribed by law, and entered the whole of such quarter section or fractional quarter section, or such part or portion of the same as they were entitled to under the aforesaid act; then and in such cases, on the general enterer transferring his certificate of entry to the Entry-taker; the said Entry-taker of the Ocoee District shall then refund and pay over to the general enterer, the money paid into the office as general enterer for said land, and the entry shall stand for the land entered by the occupant.

SEC. 3. *Be it enacted, by the authority aforesaid, That* Duty of Entry-taker. in all cases where the Surveyor General of the Ocoee District has laid down on the map of the said fractional quarter sections as containing a certain number of acres or quantity of land, and the same has been entered and paid for by an occupant or general enterer as containing the quantity marked on said map, it shall be the duty of the Entry-taker for said District, on the production to him by the person interested, of the sworn certificate of the county surveyor of the county where the fractional quarter section lies, of the true number of acres or quantity contained in

said fraction, to refund to said person so much money as shall be equal to supply the deficiency, if deficiency there be, in the quantity of land as laid down by the aforesaid Surveyor General of the said Ocoee District, computing such deficiency by the price paid per acre on its entry: *Provided further*, that no money shall be refunded under this section, unless on inspection of the proof by the circuit court Judge of the third judicial circuit, he shall certify in his opinion the money ought to be refunded: *Provided further*, that in case of re-survey under this section, where the fractions border on rivers, the line shall run on the low water, and not high water mark.

Money paid.

SEC. 4. *Be it enacted, by the authority aforesaid*, that the moneys directed to be refunded by the Entry-taker of the Ocoee District, by this act, shall be paid out of any moneys in his hands, or which may hereafter come into his hands for the entry of lands in said District, and that he shall be allowed credits for the moneys so refunded on settlement.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 1, 1842.]

CHAPTER CLXXI.

An act to amend the laws of descents in certain cases, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any person shall die seized of any lands, tenements or hereditaments, or any right thereto, or entitled to any interest therein, not having legally disposed of the same by last will or testament, and having no issue, or brothers or sisters, or issue of brothers or sisters, his or her estate shall descend in equal moities, in fee simple, to his or her father and mother, to hold as tenants in common, or if either be dead, then to the surviving parent, and if both be dead, then the estate shall descend, in equal moities to the heirs of the father, and the heirs of the mother: *Provided*, said heirs, or those they represent on the part of the father, and said heirs and those they represent on the part of the mother, stand in equal degree of relationship to the intestate; but if such heirs, or those they represent, do not stand in equal degree of relationship to the intestate, then such heirs, or those they represent, who are nearer in blood,

shall take the estate of the intestate in preference to others more remote: *and provided*, that when the estate came to the intestate by gift from the father, or by gift, devise or descent from the ancestors of the father, the same shall descend to the father only, if living, in preference to the mother; and when the estate came to the intestate by gift from the mother, or by gift, devise or descent from the ancestors of the mother, the same shall descend to the mother only, if living, in preference to the father.

SEC. 2. *Be it enacted*, That when an estate is vested by descent, the same shall not be divested by the birth of an heir, a child or issue, unless such heir, child or issue shall be born within ten Calendar months next after the death of the intestate. Estate vested.

SEC. 3. *Be it enacted*, That where any person to whom any estate, real or personal, shall be devised or bequeathed, shall die before the death of the testator, leaving issue, which shall be living at the death of the testator, such devise or legacy shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, and the real estate devised in such case, shall be vested in the issue of such deceased devisee, in the same manner it would have vested in the original devisee, unless a contrary intention shall appear by the will. Estate bequeathed.

SEC. 4. *Be it enacted*, That any estate, right or interest, in lands acquired by a testator, after making of his will, and of which he died seized or possessed as aforesaid, shall pass thereby, in like manner as if owned by him at the time of making the will, if such clearly appear by the will to have been the testator's intention.

SEC. 5. *Be it enacted*, That nothing herein contained shall be so construed as to operate upon, or affect in any manner, or apply to the estate of any person or persons whatsoever, who have died previous to the passage of this act.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 5, 1842.]

CHAPTER CLXXII.

An act to incorporate the inhabitants of the town of Fort Pickering, in the county of Shelby:

SEC. 1. *Be it enacted by the General Assembly of the*

Body politic: *State of Tennessee*, That the town of Fort Pickering, in the county of Shelby, and the inhabitants within the limits of said town are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the town of Fort Pickering, and shall have perpetual succession, by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a common seal.

Power of corporation

SEC. 2. *Be it enacted*, That the corporation aforesaid shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of the town, prevent and remove nuisances, to establish night watch and patrols, to ascertain when necessary, the boundary and location of streets, alleys and lots, with the consent of the proprietors of the lots adjoining such streets, lanes and alleys, to provide for licensing and regulating auctions, to restrain and prohibit gaming and gambling and tippling houses, and to provide for licensing, taxing, regulating and restraining theatrical, or other public exhibitions within the town, to pave and keep in repair the streets, to erect wharves and to regulate the rates of wharfage, to establish the necessary inspections, and to regulate the markets, to appoint a Recorder, Treasurer and town Constable, to provide for the establishment and regulation of fire companies, to impose a fine for the erection of combustible and dangerous materials, to erect and regulate water-works for supplying the town with water, to impose and appropriate fines and penalties for the non-observance of their by-laws or ordinances, to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, and to pass all other necessary laws and ordinances for the benefit of said town, which may not be incompatible with the Constitution and laws of the United States or of this State:

Laws and ordinances.

SEC. 3. *Be it enacted*, That the laws and ordinances of said corporation shall be in no wise obligatory upon the persons or property of non-residents of said town, being citizens of this State, unless in case of intentional violation of the by-laws and ordinances promulgated: *Provided however*, that the property of such non-residents shall be taxed as other property in said town.

Penalties.

SEC. 4. *Be it enacted*, That all fines, penalties and forfeitures imposed by the by-laws and ordinances of said corporation shall be sued for and recovered as other monies are, under the existing laws of this State, by the Mayor and Aldermen of said corporation, and for the use of the town.

SEC. 5. *Be it enacted*, That the Sheriff of Shelby county, by himself or deputy, shall hold an election in the

said town, on the first Monday in March, 1842, and on the same day in each and every year, for the purpose of electing seven persons to serve as Aldermen for the corporation of said town of Fort Pickering for one year, commencing on the second Monday of the same month thereof, and all persons owning a freehold in said town, and also all persons residing in said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote for Mayor and Aldermen, and no person shall be eligible to the appointment of Alderman, unless he be a resident citizen of said town of Fort Pickering.

SEC. 6. *Be it enacted*, That the seven persons qualified Persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be held duly elected; and the Sheriff said of county of Shelby shall, within two days thereafter, give each of the seven Aldermen elected, a certificate of his election; and it shall be the duty of the persons so elected, to meet in said town on the Saturday next preceding the day of their election; and the Aldermen then and there assembled, or a majority of them, shall proceed to elect, by ballot, one of their number to be Mayor of said corporation, for the time for which Aldermen were elected as aforesaid; and when any Mayor of said Corporation shall die, remove out of said town, or resign, another election shall be made by the Aldermen in the manner aforesaid, of another person for the time then unexpired, and when any Alderman shall die, remove or resign, such vacancy may be filled by the Mayor and Aldermen of said town, at any regular meeting, and the person or persons so appointed, shall serve until the next election.

SEC. 27. *Be it enacted*, That the town constable appointed by said corporation, shall continue in office To continue in office. for two years from the time of his appointment, and shall on entering on the duties of his office, give bond and sufficient security to the Mayor and Aldermen for the time being, in the sum to be approved of by them, for the faithful discharge of his duties, and accounting for all monies by him collected; and the Recorder and Treasurer shall continue in office for one year, and their compensation shall be regulated by the board; the Treasurer shall execute a bond with good security for the faithful discharge of his official trust.

SEC. 8. *Be it enacted*, That the Mayor and Aldermen, To take oath. the Constable, Recorder and Treasurer, before entering on the duties of their appointment, shall each take an oath or affirmation before some Judge or Justice of the Peace, faithfully to discharge their respective official trust.

SEC. 9. *Be it enacted*, That when any tax or duty Tax imposed. shall be imposed upon any real estate lying within the bounds of said corporation (and the original plat of said town is

hereby declared the bounds of this corporation) and said tax not being paid by the owner or occupiers of the same, and there should not be any personal property within the limits of said corporation, upon which the same could be levied, then it shall be the duty of the Recorder to certify the same to the circuit court of Shelby county, at the term to which the Sheriff of said county is required to report lands in his county on which the State and county tax has not been paid, and upon such report at said term, it shall be the duty of the circuit court to enter judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non-payment of the tax due the county and State upon lands lying in said county, and the same shall be sold at the same time, and in the same manner, and subject to the same rules and restrictions that are by law required for the sale of lands lying within said county, on which the State and county tax is not paid, which tax, when collected by the sheriff, as provided for in this section, shall be paid by him into the hands of the town constable for the use of the said corporation; and which sale, when made in the manner aforesaid, shall vest the same right and title to the purchaser as if the sale had been made for taxes due this State.

SEC. 10. *Be it enacted*, That nothing in this act contained shall be so construed as to authorise the Mayor and Aldermen to establish ferries on the Mississippi river, or to impose any tax upon the public grounds or promenades, or upon any lot or lots set apart for academies and churches.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 1, 1842.]

CHAPTER CLXXIII.

An act to incorporate the Penitentiary turnpike company.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers for the stock hereinafter mentioned shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Penitentiary turnpike company, and by that name they may sue and be sued, plead and be impleaded, shall have a common seal, and succession for ninety-nine years.

SEC. 2. *Be it enacted*, That Willoughby Williams, Commissioners William G. Harding, Abraham Demoss, Martin Forehand,

Samuel B. Davidson, Francis McGavock, Benjamin Litton, Oliver B. Hayes and Andrew Hynes, they or any five of them are hereby appointed commissioners to open books to receive subscription for stock, in said company, at such times and places as they may deem best; said books to be opened at least within four months from the passage of this act.

SEC. 3. *Be it enacted*, That the capital stock of said company shall be ninety thousand dollars, which sum shall be divided into shares of one hundred dollars each, to be applied to making a McAdamized turnpike road from the limits of the city of Nashville, where Spring or Church street terminates, passing the Penitentiary and Cockrill's Spring, and in the general direction of the old road, passing John Harding's, and on the West side of Giles Harding's house, crossing the Harpeth Ridge, at what is known as the Big Hill; thence to Harpeth River, crossing the same at some point near the Cow Ford; and thence in a general direction of the Centreville road, across what is called Edney's Hill, running altogether from the limits of Nashville aforesaid, fifteen miles: *Provided*, that the said road shall be graded and McAdamized in like manner, across what is called Edney's Hill.

Capital stock.

SEC. 4. *Be it enacted*, That John Davis, William G. Harding, Martin Forehand and Abraham Demoss shall be commissioners to locate said road, pursuing the directions above mentioned in section three.

SEC. 5. *Be it enacted*, That when the sum of thirty thousand dollars shall be subscribed; a meeting of the subscribers shall be held in Nashville, of which twenty day's notice shall be given in some newspaper of Nashville, who may proceed to elect directors, pass by-laws and organize said company.

Amount to be subscribed.

SEC. 6. *Be it enacted*, That said company shall have all the rights, benefits and privileges by law conferred on the Franklin turnpike company, except as may be otherwise herein provided.

SEC. 7. *Be it enacted*, That said road shall be finished in the same manner as is provided in regard to the constructing and finishing the Nashville and Charlotte turnpike road, with the exception, that instead of stone, gravel may be used when convenient in constructing said road.

How to be finished.

SEC. 8. *Be it enacted*, That the county court of Davidson county shall have the privilege of building the bridge across the River Harpeth, which will be necessary under this act, for one year from the passage thereof, but if said county court shall fail or refuse, within that time, to build a good and substantial bridge, and keep the same in repair,

County court to have privilege.

the said company shall, within one year thereafter, build said bridge, and said bridge, if so built by said company, shall stand in lieu of one mile of said road, and said company shall not, in that case, be compelled to construct said road to more than the distance across said Edney's Hill, or Backbone Ridge:

When to commence.

SEC. 9. *Be it enacted*, That said company shall have one year from the passage of this act, within which to commence said road, and they shall have two years thereafter, within which to complete the first five miles of said road, and five years from the passage of this act, within which to complete the whole of said road, with the privilege of putting up a gate so soon as five miles of said road shall be finished, and a second gate when ten miles of said road shall be finished, and a third gate when the whole of said road shall be finished, the first gate next to Nashville to be put up and fixed by the locating commissioners afore-mentioned, shall be located at a point in distance from Nashville, beyond Cockrill's Spring, and beyond where the Wharton road intersects said road so to be turnpiked, the second gate to be put up and fixed at or about five miles distant from the first gate by said commissioners, and said third gate to be set up and affixed as aforesaid, at or about five miles distant from the second gate, at which said gates, such toll may be charged and received as is provided by law on the Franklin turnpike road: *Provided*, that the residents, on what is known as the Wharton road, which comes into the proposed road, two miles from Nashville, and all who work on said road, have the right to pass through said first gate toll free.

Stock transferred.

SEC. 10. *Be it enacted*, That the stock in said company shall be transferred in such manner as is provided by law in regard to the stock of the Franklin turnpike company; that the first election for directors shall be as above provided, and ever after such elections shall be on the first day of January in each and every year, and that in all other respects, except as herein provided, said company shall have the same powers and modes of procedure, and be subject to the same rules and regulations in regard to the stockholders failing to pay to damages to persons whose land said road may run, and in other respects, and in regard to other matters, as is provided in regard to the Franklin turnpike road aforesaid.

Charter amended.

SEC. 11. *Be it enacted*, That it shall be lawful for said corporation to have, hold, and purchase all such real estate as may be necessary for toll-gates and for other purposes contemplated in this act, and to enter upon and possess the same.

SEC. 12. *Be it enacted*, That an act entitled an act to

incorporate the Penitentiary Turnpike Company, passed Jan. 19, 1838, be, and the same is hereby repealed; and that an act entitled an act, to prevent public county roads from being obstructed by certain Turnpike Companies and others, passed Jan 28, 1840, be, and the same is hereby repealed.

SEC. 13. *Be it enacted*, That if said Company shall fail or refuse to complete said road in five years, and keep the same and bridge in repair the whole ninety-nine years, they shall forfeit their charter.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 3, 1842.]

Speaker of the Senate.

CHAPTER CLXXIV.

An act to amend the charter of Martin Academy, at Jonesborough, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of Martin Academy, at Jonesboro', in Washington county, be so amended, that the trustees of said Academy shall have perpetual succession and a common seal, and the said trustees, and their successors by the name aforesaid, shall be capable in law to purchase, receive and hold to themselves and their successors forever, any lands, tenements, goods or chattles, which shall be given, granted or devised to them for the use of said Academy, and to use and dispose of the same in such manner as to them shall seem most advantageous to said Academy; and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

SEC. 2. *Be it enacted*, That said trustees and their successors shall have power to hold meetings, which may be convened by any three of them, not less than five of whom shall constitute a board to do business, which board or a majority of them shall have power to fill vacancies which may happen by death, resignation, or otherwise, and to transact all business of every description relating to the interest, government, and management of said academy in such manner as to them shall seem expedient and necessary: *Provided*, said board of trustees shall not have power to make any bye-laws, rules, or regulations which may be inconsistent with the laws of the United States, or the State of Tennessee: *Provided, also*, that nothing contained in

Power of trustees.

this act shall prevent any future Legislature from making such amendments as may be considered necessary.

SEC. 3. *Be it enacted*, That the election of trustees of the Centreville Academy in Hickman county, as made by the county court of said county at the July term thereof, 1840, shall be as good and valid in all respects as if the same had been made at the time prescribed by law, and that the trustees so elected shall be held responsible in the same manner and to the same extent as if they had been elected upon the day designated by law.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 3, 1842.]

Speaker of the Senate.

CHAPTER CLXXV.

An act to establish a University at Lebanon, in Wilson county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a University be established at Lebanon, Wilson county, on such lands to be owned by the corporation hereinafter mentioned, as shall be designated by the trustees of said Institution, for the promotion of science and literature, which shall be known and distinguished by the name of the Southern University.

SEC. 2. *Be it enacted*, That Robert L. Caruthers, R. M. Burton, L. W. White, Benj. R. Owen, Andrew Allison, Jordan Stokes, M. A. Price, Miles McCorkle, John Muirhead, B. T. Motley, R. G. Douglass, Josiah S. McClain, Thompson Anderson, G. D. Cummings, W. L. Martin, Stith Harrison, Leroy B. Settle, Thos. J. Mumford, Paulding Anderson, W. P. McClain, William R. McDougal, Wm. R. D. Phipps and Zachariah Toliver, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Southern University as aforesaid, and by that name shall hereafter have perpetual succession and a common seal.

SEC. 3. *Be it enacted*, That the said trustees, and their successors by the name aforesaid, shall and may be competent in law, to have, receive and enjoy lands, tenements and hereditaments of any kind or value, in fee or for life or years, and personal property of any kind whatever, and also all sums of money of any amount that may be specified, which may be granted or bequeathed to them for the purpose of building, erecting, or endowing and supporting the said University.

SEC. 2. *Be it enacted,* That the said trustees shall have full power and authority to elect a President and also such professors, tutors and other officers of said University as they may deem necessary, and that the president and professors shall be constituted a faculty, which shall have full power and authority to cultivate and teach the arts, sciences and literature in all their branches, as the same is usually cultivated and taught in other Universities; also confer degrees of bachelor and master of arts, or any other degrees of literary distinction known or conferred in the United States upon any student or person: *Provided,* such student or person shall have attained to such standard of moral and intellectual culture as shall hereafter be required by said University, and that the said faculty and nine trustees shall constitute a quorum to form such bye-laws, rules and regulations for the government of said University and promotion of education therein as they shall deem expedient or necessary: *Provided,* such bye-laws, rules and regulations be not incompatible with the constitution of the United States and the laws of this State. Power of trustees.

SEC. 5. *Be it enacted,* That there shall be two semi-annual meetings of said trustees at Lebanon, Wilson county, Tennessee, viz: on the second Monday in March and September, unless the trustees when assembled shall adjourn to a different day, nine of which trustees shall constitute a quorum to elect or fill up any vacancies in the board of trustees or faculty to transact any business or concern of said institution, to fix salaries, or remove any incumbents of said board of trustees or faculty for misconduct or neglect in office, and said trustees may adjourn from time to time and sit on their own adjournments for the transaction of any business of the corporation. Meetings of trustees.

SEC. 6. *Be it enacted,* That the said trustees by the name aforesaid may sue and be sued, plead or be impleaded in any court of law or equity, and may grant, bargain, sell or assign any lands, tenements, hereditaments, goods and chattels, belonging to them, and act or do all things whatsoever for the benefit of said institution in as ample a manner as any person or body politic or corporate can or may by law. May sue, &c.

SEC. 7. *Be it enacted,* That the President of said University, or two of said trustees, shall have the full power and authority to call occasional meetings, when by them deemed necessary, and that the President aforesaid, at each and every meeting of the board aforesaid, shall preside, except in cases of vacancies or absence of the President, under such circumstances, the trustees shall elect a President, *pro. tem.*, and all acts of the board so constituted, Power of President.

shall be recognized in law as fully as when the President shall preside.

SEC. 8. *Be it enacted,* That this shall be deemed a public act, and as such, shall be Judicially recognized, without special pleading, in all the courts of law and equity in this State.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER CLXXVI.

An act to incorporate the town of Harrison, in Hamilton county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Harrison, in the county of Hamilton, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name and style of the Mayor and Alderman of the town of Harrison, and shall have perpetual succession, and, by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real and personal and mixed property, or dispose of the same for the benefit of the town, and may have and use a town seal.

Power of corporation.

SEC. 2. *Be it enacted,* That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances as may be necessary and proper to preserve the health of the town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain, when necessary, the boundaries and location of streets, lanes and alleys; to establish new streets, lanes and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lanes and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming; and to provide for licensing, taxing, regulating or restraining theatrical or other public amusements and shows within the town; to pave and keep in repair the streets, and to pass all laws necessary for that purpose; to establish necessary inspections within the town; to erect and regulate markets; to appoint a Recorder, Treasurer and town constable; to provide for the organization and regulation of fire companies, and sweeping of chimneys; to procure water by digging wells, or otherwise; to erect and regulate pumps in the streets; to restrain tippling houses; to impose and appropriate fines, penalties

and forfeitures, for a breach of the by-laws and ordinances; to lay and collect taxes for the purpose of carrying the necessary measures and powers herein granted, into operation, for the benefit of said town; and to pass all laws and ordinances necessary and proper to carry the interest and meaning of this act into effect: *Provided*, they are not inconsistent with the laws and constitution of this State.

SEC. 3. *Be it enacted*, That the laws and ordinances of said corporation shall be, in nowise, obligatory upon the persons or property of non-residents of said town, being citizens of this State, unless in case of intentional violation of the by-laws and ordinances previously promulgated: *Provided nevertheless*, that the property of such non-resident shall be taxed as other property in said town.

SEC. 4. *Be it enacted*, That all fines and penalties, or forfeitures imposed by the by-laws and ordinances of said corporation, shall be sued for and recovered as other monies are under the laws of this State, by the Mayor and Aldermen of said corporation, and for the use of said town. Fines,

SEC. 5. *Be it enacted*, That the sheriff of Hamilton county, by himself or deputy, or some Justice of the Peace, shall hold an election at the court house in said town, on the second Monday in April, 1842, and on the second Monday in April, in each and every year, for the purpose of electing seven persons to serve as Aldermen for the corporation of said town, for one year, commencing on the Monday next succeeding the day of election; and all persons owning a free-hold in said town, and being citizens of this State, and also, all persons residing in said town, who are qualified to vote for members of the General Assembly, shall be entitled to vote for Aldermen, and no person shall be eligible to the appointment of Aldermen, unless he is a free-holder in said town, either in his own name, or as assignee for a deed in fee simple, and is an inhabitant of said town. Elections; when held,

SEC. 6. *Be it enacted*, That the seven persons, qualified as aforesaid, having the highest number of votes, at an election held as aforesaid, shall be taken to be duly elected, and the person holding said election shall, within five days thereafter, give each of the seven Aldermen elected, a certificate of his election, and it shall be the duty of the persons so elected, to meet on the next succeeding Monday, in said town, and they shall then proceed to elect, by ballot, one of their own body to be Mayor of said town, for the time for which the Aldermen were elected as aforesaid, and when any Mayor of the town shall die, resign or remove out of said town, another election shall be made by the Aldermen in the manner aforesaid, of another person, for the time unexpired, and until the next general election of Al- Persons qualified

dermen, and when any Alderman shall die, remove or resign, such vacancy may be filled by the Mayor and Aldermen of said town, at any regular meeting, and the person so appointed, shall serve until the next election; any number of Aldermen, not less than five, including the Mayor, shall be a quorum to do business.

Term of office. SEC. 7. *Be it enacted,* That the recorder, treasurer and constable, appointed by the corporation, shall continue in office during the term of service of the Mayor and Aldermen by whom they are appointed, but may be removed by a majority of the Mayor and Aldermen, at any regular meeting, and shall, on entering on the duties of their offices, give such bonds and securities as required of them, to the Mayor of the corporation, for the faithful discharge of the duties of their office, and for accounting for all monies by them collected or received for the use of the corporation, and their compensation shall be regulated by the Mayor and Aldermen.

To take oath. SEC. 8. *Be it enacted,* That the Mayor and Aldermen of said town, shall, before entering on the duties of their office, take an oath before some Justice of the Peace of said county, to faithfully, uprightly and honestly demean themselves in the discharge of their duties, as Mayor and Aldermen of said corporation, during their continuance in office.

Tax or duty. SEC. 9. *Be it enacted,* That when any tax or duty shall be imposed upon any property lying within the bounds of said corporation, and not paid by the owner or occupier, and there should not be any personal property of the owner or occupier of the same, within the limits of said corporation, upon which the same can be levied, then it shall be the duty of the recorder to certify the same to the circuit court of Hamilton county, at the term to which the sheriff of said county is required to report the land in his county on which the State and county tax has not been paid, and upon said report, at said term of the circuit court, shall enter judgment for the taxes due said corporation, in the same manner that judgments are required to be entered for the non-payment of taxes due the county and State, upon land lying in said county, and the same shall be sold at the same time, and in the same manner, and be subject to the same rules, regulations and restrictions that are by law required for the sale of lands lying within said county, on which the State and county tax has not been paid, which tax, when collected by the sheriff, as provided for in this section, shall be paid by him into the hands of the town treasurer for the use of said corporation, and which sale, when made in the manner aforesaid, shall vest the same right and title to the purchasers, as if the sale had been made for taxes due the State.

SEC. 10. *Be it enacted*, That the constable of said town shall have the same fees as are by law allowed to other constables of the State, for similar services, and before he enters on the discharge of his duties, shall take the oath prescribed by law for other constables of this State; it shall be the duty of the town constable to execute all warrants and other process growing out of the corporation laws from Justices of the Peace.

Fees allowed.

SEC. 11. *Be it enacted*, That when any real estate, in said town, may be levied on for any debts or demands due said corporation, the same proceedings shall be had thereon as is prescribed by law in other cases of precepts issued by Justices of the Peace.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 3, 1842.]

Speaker of the Senate.

CHAPTER CLXXVII.

An act to amend the laws now in force in relation to the administration of the estates of deceased persons.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where six months shall have elapsed from the death of any testator or intestate, and no person will apply or can be procured to administer on the estate of such decedent, it shall be lawful for any of the next of kin, or any creditor of such estate, to file his bill in the chancery court of the district where such person may have resided at the time of his death, or where the estate, goods and chattels, or effects of the decedent may be, setting forth the facts of the case, and that no person can be procured to administer on the estate agreeably to the laws now in force, and praying that an administrator be appointed, with such other specific prayers as are required, and for general relief; and such bill, if filed by a creditor or creditors, shall be on behalf of all other creditors who may wish to come in and be made parties on the usual terms, and the distributees and heirs of the estate shall be authorised to be made parties defendants to such bill, and if the bill is filed by the next of kin, or any of them, it shall be on behalf of all the distributees and heirs against the creditors thereof, and such creditors shall be authorized to become defendants to such bill, and thereupon the court in term time, or Chancellor or Judge, in vacation, shall appoint an administrator of such estate,

To administer.

upon such terms as he may think best, and the administration of such estate shall be conducted under the authority of the chancery court, in the same manner and under the same rules, regulations and principles, in every respect, as the administration of insolvent estates are now conducted, except where the same is otherwise provided for in this act; and such administrator shall have the same power as other administrators, except where he is restricted by the orders or decrees of the court. All bills filed under this act shall be sworn to.

Removal from office. SEC. 2. *Be it enacted*, That such administrator may be removed from office for any neglect or improper conduct in office, in the same manner, in every respect, as receivers are now liable to be removed, and shall make their reports and be under the same responsibilities as receivers in courts of chancery are subject to, and where any administrator is removed, or shall die or resign, a successor shall be appointed.

SEC. 3. *Be it enacted*, That such administrator, when appointed, shall be considered a party to the proceedings in court, and shall be bound by any decree or order thereof, in the same manner as other parties are bound, and where any of the parties interested in the estate are minors, the court may appoint guardians to such minors.

Bond and security. SEC. 4. *Be it enacted*, That if any administrator is appointed under this act by a Judge or Chancellor, in vacation, it shall be upon condition of the complainant giving bond and security, in double the value of the estate to be administered; conditioned that such administrator shall, render a true inventory of the estate to the court at its next term, so far as the same may come to his knowledge, and will deliver such assets over, or place the same, or its proceeds, under the charge of the court. The Judge or Chancellor may also direct in his order, that the perishable property belonging to the estate be sold.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 3, 1842.]

Speaker of the Senate.

CHAPTER CLXXVIII.

An act to encourage the culture of Silk in the State of Tennessee.

Bounty. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a bounty of ten cents per pound for cocoons, and fifty cents per pound for reeled silk, capable of being wrought into a substantial fabric, be,

and the same is hereby offered, on the part of the State, to any person or persons, who will produce not less than ten pounds of cocoons in any one year in this State, or who shall reel not less than one pound of raw or other silk therefrom, and at the same rates for a larger quantity: *Provided*, that no person or persons shall receive the foregoing bounty before producing to the Treasurer of the State the affidavit in writing, of the clerk of the county court of the county where such person or persons may reside, setting forth the quantity of cocoons or reeled silk, for which a bounty is claimed, and that he weighed the same, and administered the oath hereinafter required to the party applying for said county: *Provided*, that no one person, family or firm shall receive more than twenty dollars in bounties in any one year under this act.

SEC. 2. *Be it enacted*, That before giving said affidavit to the person or persons so applying for the same, the clerk shall require such person or persons to make oath in writing, which shall be filed in the clerk's office, that the cocoons, or reeled silk, or both, as the case may be, on which he, she or they are about to claim a bounty, were produced and reeled from cocoons made by worms fed in this State, and that a bounty has not previously been claimed, nor shall not thereafter be claimed on the cocoons or reeled silk then offered.

SEC. 3. *Be it enacted*, That should any clerk or person applying for a bounty or bounties under this act, swear falsely with the intention to commit wilful and corrupt perjury in making any of the affidavits required by the foregoing sections of this act, such clerk or person shall be deemed guilty of perjury, and shall be liable to prosecution therefor by presentment or indictment, and upon conviction, shall be subject to all the pains and penalties of perjury, as is now provided by law, in cases of witnesses swearing falsely in any court of record in this State.

SEC. 4. *Be it enacted*, That the Treasurer of the State is hereby authorised, and it is made his duty to pay the sum or sums of money which may at any time hereafter become due to any person or persons, citizens of this State, under the provisions of this act, to such person or persons, or to his, her or their written order, upon the presentation of the affidavit of the proper clerk, made out in conformity with the regulations of this act, and of any money in the Treasury not otherwise appropriated.

SEC. 5. *Be it enacted*, That the provisions of this act shall not be construed to extend to any body politic or corporate.

SEC. 6. *Be it enacted*, That this act shall take effect

from the date of its passage, and continue in force for the term of two years, and no longer.

BURCHETT DOUGLASS,
Speaker of the House of Representatives
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER CLXXIX.

An act to alter the County line between the counties of Knox and Grainger.

County line.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Knox and Grainger be so altered as to include in Grainger county, that portion of the farm on which Samuel McBee now lives, lying in Knox county, and which formerly constituted a part of Grainger.

Territory.

SEC. 2. *Be it further enacted*, That the territory lying north and east of a line beginning at the south west corner of Marshall county, on the old line dividing Maury and Giles counties; running thence a south east direction to James Reynolds; thence to David Wilks; thence to Thomas Gills; thence south east, so as to strike the corner of Marshall county, south of Cornersville and Lincoln county line, be, and the same is hereby attached to said county of Marshall: *Provided*, that in running said line, Giles county shall not be reduced below six hundred and twenty-five square miles, to be ascertained by actual survey: *and provided also*, that a majority of the qualified voters living in said fraction, and voting in the election hereinafter provided for, shall vote in favor of being attached to said county of Marshall: *Provided*, that before that fraction of Giles county intended to be attached to Marshall county, shall hold any election, or by any other manner, be recognized as a part of Marshall county; said county of Marshall, or section so intended to be detached from and added to said Marshall county, at their cost, shall cause the county of Giles to be surveyed by a sworn surveyor, who shall not be a resident in either county, or fraction, and if, upon the actual survey of said county of Giles, it shall be ascertained that the said county of Giles will not be reduced below the constitutional number of square miles, then, and in that case, the said fraction shall compose a part of Marshall, as provided in this act; said surveyor

shall make return of the plat and certificate to the Secretary of State, and the Governor shall make proclamation accordingly.

SEC. 3. *Be it enacted*, That the first and second sections of "an act, chap. 135, entitled an act to alter the dividing line between the counties of Marion and Hamilton," passed February 17th, 1836, be, and the same are hereby repealed.

SEC. 4. *Be it enacted*, That the dividing line between the counties of Marion and Hamilton, on the South side of Tennessee River, as run and marked by the surveyor General of the Hiwassee District, in pursuance of an act of the General Assembly, entitled "an act to extend the laws and jurisdiction of this State, to her Southern limits;" chap. 16, passed November 8th, 1833, shall hereafter be and remain the dividing line between said counties. Dividing line.

SEC. 4. *Be it enacted*, That the constable in the Cornersville District, in Giles county, shall open and hold an election at the town of Cornersville, at such time as he may appoint, after giving ten days notice at three of the most public places in said fraction, at which way qualified votes, being in said fraction, shall be entitled to vote, and should a majority of said voters vote in favor of being attached to said county of Marshall, the Territory lying South and East of said line, as aforesaid, shall be, and the same is hereby attached to Marshall county. To hold election.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 4th, 1842.]

CHAPTER CLXXX.

An act to dispose of that portion of the monies arising from the sale of the public land to which Tennessee may be entitled, under the act of Congress of the extra session of 1841, commonly called the Distribution Bill.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the President of the Bank of Tennessee be, and he is hereby constituted and appointed the agent of the State of Tennessee, with full power and authority to receive, from the Treasurer of the United States, such amount and portion of the monies arising from the sales of the Public lands, which may be apportioned to the State of Tennessee, under the act of Congress, above Appointed agent

mentioned, entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved September 4th, 1841.

SEC. 2. *Be it enacted*, That the monies so recieved by said agent, shall be by him paid forthwith, with any premium which may be received thereon for difference of exchange, deposited in the Bank of Tennessee, to be disposed of as hereinafter directed.

Fund for the
benefit of com-
mon schools.

SEC. 3. *Be it enacted*, That one-half of said fund be appropriated for the benefit of common schools, and be held by said Bank as part of the common school fund of this State, and that the same be used and disposed of as the other portions of the said school fund, as provided by the 8th section of the act of the General Assembly of the 19th January, 1838, establishing the Bank of Tennessee; the interest or dividends on which shall be distributed in like manner, as is provided by said act, and other acts of this State, in regard to interest or dividend on other portions of the common school fund.

Funds how ap-
plied.

SEC. 4. *Be it enacted*, That the remaining one-half of said fund thus deposited, be applied by the President and directors of said Bank, to the purchase of the bonds of the State, issued for purposes of Internal Improvement, whenever an opportunity may offer to make such purchases, which said bonds, so purchased, shall be cancelled by said President and directors, and an account thereof, kept and rendered to the Legislature; and, in the meantime, the said President and directors are hereby authorised to Bank upon said fund, keeping a separate account of the interest or profits arising therefrom, and should there, at any time, not be a sufficient amount made by said Bank, on its ordinary capital, to pay the interest on the Internal Improvement bonds issued by the State, and at the same time to pay the other demands on said Bank, said President and Directors are hereby authorised to apply the interest or profits, so made, on said deposit, to the extinguishment and payment of interest on out-standing Internal Improvement Bonds; but should such draft on, or application of said profits not be necessary to the whole amount thereof, then said profits or interest, together with the principal fund unexpended in the purchase of bonds as aforesaid, shall be and remain in said Bank as a sinking fund for the final payment of any out-standing Internal Improvement Bonds, when the same may become due, and the said fund, with the profits thereon, of which a separate account is to be kept as aforesaid, shall in any contingency which may render it necessary, be considered a preferred debt of said Bank, and shall be paid accordingly.

SEC. 5. *Be it enacted*, That said Bank shall report to the Legislature at each regular session thereof, the state and condition of the said one half of said fund, and the action of the Bank in the disposition thereof, and the profits thereon.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Feb. 3, 1842.]

Speaker of the Senate.

CHAPTER CLXXXI.

An act to incorporate the District Central Turnpike Road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders pursuant to the provisions of this act, shall be, and they are hereby constituted a body politic and corporate, by the name of the District Central Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights and privileges and powers appertaining to bodies politic and corporate by law, and shall have succession for ninety years. Body politic,

SEC. 2. *Be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, if it should be necessary to complete the road, or if the road should be extended beyond the limits hereinafter designated, and that said capital stock shall be divided into shares of fifty dollars each. Capital stock.

SEC. 3. *Be it enacted*, That the following persons Commissioners. shall be commissioners for the purpose of opening books and receiving subscription of stock, to wit: Doctor Joel C. Hancock, Solomon West, and George Stephens, to open books at the house of said Hancock, in Perry county, and at any other points they may think proper; said commissioners shall give twenty days notice of the times and places of opening said books, and so soon as five thousand dollars are subscribed, they shall call a meeting of all the stockholders, by giving twenty days notice in some newspapers printed in this State, which shall be held at such place as may be designated in such notice, and at said meeting said stockholders, or a majority of them being present, or represented by power of attorney, shall elect five directors, who

shall be stockholders, of whom such directors shall choose one of their body President, and said President and Directors shall continue in office for one year, and until their successors are elected, which shall be done at the expiration of each year from the time of the first election, of which twenty days notice shall be given as aforesaid, and that said President and Directors shall have all the powers and perform all the duties designated in the act of 1835, chap. 13, sec. 1, incorporating the Lebanon and Nashville Turnpike Company, so far as they are consistent with this act: *Provided*, that the State of Tennessee shall take no stock in said road, nor be required to issue her bonds for any part of the capital stock.

SEC. 4. *Be it enacted*, That the President and Directors, or any three of them, shall be sufficient to transact ordinary business, and all vacancies happening in the board of directors between the regular meetings of the stockholders, shall be supplied by the directors, as many as three being present.

SEC. 5. *Be it enacted*, That immediately after the election of directors, they or a majority of them, or such person or persons as they may appoint, shall proceed to locate and designate the route of said road, commencing upon the western bank of the Tennessee river, as nearly opposite the termination of the Columbia Central turnpike as practicable, and extending the most favorable and suitable route for the construction of a turnpike road through the river bottom, and to the ridge and highlands west of the river, supposed to be between eight or ten miles the length of the road, and whether it shall be a sand or gravel, gravel or M'Adamized turnpike, to be determined by the board of directors.

SEC. 6. *Be it enacted*, That all the provisions of the act passed 12th of February, 1835, entitled an act to incorporate a company to be called the Lebanon and Nashville Turnpike Company, and also all the provisions of an act passed and entitled an act to incorporate the Columbia Central Turnpike Company, shall be in full force, and a part of this act, so far as the same are consistent with this act, and as are applicable to the District Central Turnpike road.

SEC. 7. *Be it enacted*, That the board of directors shall have the power to extend their road hereby chartered, from the point of commencement as above designated, towards Bolivar, and shall have the same rights and powers as are hereby conferred upon the company for the route more particularly designated, and shall in all cases determine what portions of the road shall be sanded or gravelled, gravelled or M'Adamized turnpike road.

SEC. 8. *Be it enacted*, That the superintendent of pub-

lic instruction is hereby required and authorised to give time ^{Superintendent} until the first day of October, 1843, to the Nashville, Mur- ^{authorised.} freesborough and Shelbyville Turnpike Company, for the payment of a judgment recovered against said company, in the circuit court of Davidson county, for about the sum of twelve thousand dollars: *Provided always*, that before he shall give such time, any securities who may be bound for the amount of said judgment, shall file with the clerk of said court their written assent to such delay, and agreeing to remain bound until said judgment is paid: *And also provided*, that the said amount for which said judgment is rendered, shall bear interest until the whole amount is paid: *Provided*, that nothing in this section, or any part of this act shall be so construed as to authorise the State to take stock or to issue bonds under any act or acts of the General Assembly.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER CLXXXII.

An act to incorporate the Tennessee manufacturing silk company and Agricultural school, to teach the art of the culture and manufacture of silk, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders, pursuant to this act, are hereby constituted a body corporate, for the term of twenty years, by the name of the "Tennessee manufacturing silk company and Agricultural school."

SEC. 2. *Be it enacted*, That the capital stock of said company shall be thirty thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be considered personal property.

Capital stock:

SEC. 3. *Be it enacted*, That, so soon as one hundred shares of the capital stock are subscribed, the said subscribers are hereby declared to be incorporated into a company and body politic, by the name of the "Tennessee manufacturing silk company and Agricultural school."

SEC. 4. *Be it enacted*, That the company aforesaid, shall have power to purchase and hold five thousand acres ^{Power of com-} of land, or any other property, real or personal, as may be ^{pany.} necessary or useful in carrying on the business of an Agricultural school or farm, and manufacturing of silk, wool, cotton or any other articles.

SEC. 5. *Be it enacted*, That the stockholders of said company shall elect, annually, five directors, who shall chose one of their number to be President; the officers shall hold their places for one year, or until their successors are elected; the first election shall be in Nashville, whenever one hundred shares of the said stock shall have been subscribed.

Stockholders to
elect directors.

SEC. 6. *Be it enacted*, That the said directors shall be stockholders, who shall be elected annually by stockholders, in person or by proxy, by a plurality of votes; each stockholder having as many votes as he shall own shares of stock in said company.

Power of President.

SEC. 7. *Be it enacted*, That the President and directors shall have power to make any by-laws for the regulation and government of the said company, and management of their school, and all other business not inconsistent with the laws of this State, or of the United States.

SEC. 8. *Be it enacted*, That the President and directors of said company, shall erect a school on the premises, belonging to the said company, to teach the art of the culture and manufacture of silk, with which they may connect such other branches of General science as they may deem requisite.

Commissioners.

SEC. 9. *Be it enacted*, That Professor Nathaniel Cross, T. Fanning, N. Hobson, Alfred Hume, Jno. Shelby and A. D. Carden be, and they are hereby appointed commissioners to receive subscription to the capital stock of said company, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the said stock.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 3, 1842.]

Speaker of the Senate.

CHAPTER CLXXXIII.

An act to incorporate the citizens of the town of Hillsborough, in the county of Coffee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Hillsborough, in the county of Coffee, and the inhabitants thereof, living within the limits of said town, as originally laid off and established, are hereby incorporated; and that the act of incorporation of the town of Farmington, in the county of Bedford, passed on the 14th December, 1835, be, and the

same is hereby adopted as the charter of incorporation for the said town of Hillsborough, and all the elections directed in said act, to be held by the sheriff of Bedford county, and all the duties required of him to be performed, shall be performed by the sheriff of Coffee county, in reference to the said town of Hillsborough; and the first election shall be held on the first Monday in March next, and on the first Monday in January, in each and every year thereafter; and if, from any cause, the said election should not be held on the days specified above, the said sheriff of Coffee county may hold the same on any subsequent day, first advertising the same ten days in three or more public places in said town.

SEC. 2. *Be it enacted*, That the town of Cleveland, in Bradley county, and the inhabitants within the limits of said town, as laid down in the plan of the same, are hereby constituted a body politic and corporate, with the style and name of the Mayor and Aldermen of the town of Cleveland, and shall have perpetual succession, by their corporate name may sue and be sued, plead and be impleaded, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal. Body politic.

SEC. 3. *Be it enacted*, That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of the town; to prevent and remove nuisances; to ascertain, when necessary, the boundary and location of streets, lots, and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lanes and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming; and to provide for licensing, taxing, regulating or restraining theatricals or other public amusements and shows within the town; to pave and keep in repair, the streets; to pass all laws necessary for the same; to appoint a recorder and Treasurer; to impose and appropriate fines, penalties and forfeitures, for the breach of their by-laws and ordinances; to lay and collect taxes for the purpose of carrying all necessary measures into operation for the benefit and advancement of said town; and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect: *Provided*, they are not incompatible with the constitution and laws of this State. Power of corporation,

SEC. 4. *Be it enacted*, That the laws and ordinances of said corporation shall be, in nowise, obligatory upon persons or property of non-residents of said town, being citizens of this State, unless in case of intentional and known violation of by-laws or ordinances previously promulgated by public Laws and ordinances.

notice, for the space of one Calendar month: *Provided nevertheless*, the property of such non-residents shall be taxed as other property of said town.

Fines and penalties.

SEC. 5. *Be it enacted*, That all fines and penalties or forfeitures imposed by the by-laws and ordinances of said corporation, shall be sued for and recovered as other monies are under the existing laws of this State, by the Mayor and Aldermen of said corporation, and for the use of said town.

To hold election.

SEC. 6. *Be it further enacted*, That the sheriff of Bradley county, by himself or his deputy, shall hold an election at the court house in said town, on the first Monday in April, 1842, for the election of a Mayor of said town, and six Aldermen, with a Constable, to serve as Mayor, Aldermen and Constable of said town for the space of one year, which election for the officers aforesaid, it shall be the duty of the sheriff of Bradley county, or his deputy, to open and hold, at the said court house, in each succeeding year, on the first day of April, in each year, in such elections, all persons being inhabitants of said town, and white citizens of this State, entitled to vote for members of the Legislature, shall be entitled to vote for the officers aforesaid, and to fill said offices themselves, if elected by a majority of such voters; the sheriff holding such elections shall give to the persons elected, a certificate of their election; it shall be the duty of the Mayor and Aldermen thus elected, to meet on the ensuing Monday.

Term of office.

SEC. 7. *Be it further enacted*, That the recorder and Treasurer appointed by said corporation, shall continue in office during the term of service of the Mayor and Aldermen, and shall give bond and security, to said Mayor and Aldermen, for the faithful discharge of the duties required and entrusted to them; and the Constable for said town, elected as aforesaid, shall enter into bond and security, to the Mayor and Aldermen of said corporation, for the faithful discharge of his duties, and for the accounting for all monies by him collected or received for the use of said corporation.

To take oath.

SEC. 8. *Be it further enacted*, That the Mayor and Aldermen of said town, before entering upon the discharge of the duties required of them, shall take an oath before some Justice of the Peace for said county, to faithfully, uprightly and honestly demean themselves as Mayor and Aldermen of said town.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER CLXXXIV.

An act to authorise and require the Entry-taker of the Ocoee District to refund money in certain cases.

SEC. 1 *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Entry-taker ^{Duty of Entry-taker.} of the Ocoee District, and he is hereby required to refund to general enterers or their assignees, the full amount of money paid by them into his office in all cases where the same land, or any portion thereof has been subsequently entered by occupant enterers at the same price: *Provided always*, that no part of the money paid by such general enterer shall be refunded, but for the number of acres which shall have been taken by such occupant enterer, and not for any land entered by such general enterer, which is not or has not been taken by the better title of such occupant enterer.

SEC. 2. *Be it enacted* That in all cases where the Entry-taker refunds money to general enterers or their assignees, as contemplated by the first section of this act, that they be required to return to the entry taker the certificate of entry or grant for the land, with a deed of relinquishment to the same.

SEC. 3. *Be it enacted*, That if the Entry-taker of the Ocoee District has not a sufficient amount of money in his hands to liquidate the claims referred to in the first section of this act, he is authorised, and is hereby required to draw on the Branch of the Bank of Tennessee, at Athens, for such amount as will enable him to pay said claimants, without delay, and the cashier of said Branch Bank at Athens is hereby directed to honor and pay the drafts of the Entry-taker to the amount necessary for the purposes contemplated in this act, and charge the same to the common school fund. ^{To draw on Branch Bank at Athens.}

SEC. 4. *Be it enacted*, That all persons claiming to have money refunded under the provisions of this act, shall present to the Judge of the 3d Judicial Circuit, in vacation or term time, his or their petition, setting forth and describing his or their entry, its number and quantity of land, the range and section, and the money paid into office, together with the character and description of the occupant entry so interfering, and taking the land or the part of the land of such person or persons, or the assignees of such person or persons being a general enterer, and if such Judge shall be satisfied from the law of the land, and the legal testimony adduced before him, that the land, or part of the land of such person or persons, or the assignees of such person or persons being a general enterer has been taken from such per- ^{To present petition.}

son or persons, or the assignee or assignees of such person or persons, and that such land so entered by the general enterer was in the first instance, *bona fide* entered, and without any collusion or combination between said general enterer and the occupant claimants, and if such Judge shall be further of opinion that such general enterer at the time of making his entry, was ignorant of the occupant claim or entry so interfering with the claim of such general enterer, and that such interference between said entry claim and occupant was without the procurement or consent of said general enterer, it shall be the duty of such Judge, after a full examination of the testimony and law, to give a certificate to the person or persons so presenting said petition for the amount of money to be refunded to him, her or them, under this act, because of the loss of the whole of the land, or so much thereof as shall be lost by reason from the causes aforesaid, and which sum of money, upon the presentation of said certificate to the Entry-taker of the Ocoee District be, and he is hereby directed to pay and register said certificate.

To give notice in writing,

SEC. 5. *Be it enacted*, That the person or persons so presenting a petition under this act, whether in term time or vacation, shall give to the Entry-taker of the Ocoee District five days previous notice thereof in writing, and it is hereby made the duty of said Entry-taker, on behalf of the State, to attend to said proceedings under said petition, and to the taking and procuring testimony, which petition or petitions, if presented in term time, shall be presented to said Judge at Cleaveland, Benton, Harrison, Jasper, Decatur or Madisonville.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Passed Feb. 4, 1842.]

Speaker of the Senate.

CHAPTER CLXXXV.

An act to amend the several acts heretofore passed in relation to the corporation of town of Jonesborough.

SEC. 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Jonesborough, shall, in addition to the powers already vested in them by law, from and after the passage of this act, be authorised and empowered to appoint a town constable for said corporation, who shall receive such salary or compensation as may be allowed by said Mayor and Aldermen, and have the same powers as town constables of all

SEC. 2. *Be it enacted*, That said town constable shall continue in office during the period for which the Mayor and Aldermen, by whom he may be appointed are elected, and that after each election of Aldermen, the board may at any time appoint a constable as aforesaid, who shall execute a bond with sufficient securities, in the penalty of one thousand dollars, for the faithful performance of the duties of his office, which bond shall be made payable to the Mayor and Aldermen of said town.

SEC. 4. *Be it enacted*, That the said Mayor and Aldermen, for the purpose of carrying into effect the powers herein granted and heretofore vested in them by law, shall have the power to levy taxes upon the citizens of said town, upon privileges, and the real and personal property in said town: *Provided*, said taxes are imposed pursuant to the constitution and laws of this State.

Passed Feb. 4th, 1842.]

An act to amend the laws in relation to cases of forcible entry and detainer.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all cases of forcible or unlawful detainer, or forcible entry and detainer, shall be tried before three Justices of the Peace, in the county where the offence or injury was committed; a majority of whom shall decide the case; and all questions of law and fact arising therein, and the warrant issued, shall be in the following form, or to the following effect:

State of Tennessee, } To the Sheriff of _____
 _____ County. } County, or to any Constable
 of said county.

Whereas, complaint is made to me, one of the Justices

of the Peace, in and for said county, by A. B., of a certain forcible and unlawful entry and detainer, made by E. F., into a certain tract, or lot of land, situate in the county aforesaid, bounded or known, and described as follows: *Here the Justices of the Peace will describe the tract or lot of land in which the forcible or unlawful detainer is alledged to have been committed*, which land it is alledged, the said A. B. is entitled to the possession of, and E. F. unlawfully detains the same from him; we therefore command you that you summon the said E. F. to appear before three Justices of the Peace, in and for said county, to answer the above complaint of the said A. B. Given under my hand and seal, this — day of — 18—.

SEC. 2. *Be it enacted*, That the officer serving said Officer to notify. warrant, shall notify the party of the time and place of trial, which shall not be less than six days from the time the warrant is executed, and it shall not be necessary for the plaintiff, in said warrant, to give the defendant any other notice to quit, except what is given by the service of the warrant aforesaid, and the notification of the time and place of trial, shall be entered on the warrant, nor shall it be necessary for the Justice to issue any other process in order to try said cause, except the warrant aforesaid, and the cause aforesaid shall be tried by three Justices, at the time and place aforesaid, without the intervention of a jury, and shall, in all other respects, be conducted as any other civil suit, cognizable before a Justice of the Peace.

SEC. 3. *Be it enacted*, That, on the trial of the cause, if the Justices, or a majority of them, shall be of opinion that the defendant is guilty of the forcible entry and detainer, or a forcible detainer, or an unlawful detainer, or a forcible entry only, and that the plaintiff is entitled to be restored to the possession of the land described in the warrant, they shall give judgment for the plaintiff, in the following form, or to the following effect, which shall be endorsed on the warrant, or annexed thereto:

A. B. Plaintiff,	} Judgment for Plaintiff, that he be restored to the possession of the land described in the within warrant, and that a writ of possession or restitution issue therefor, and also for cost of suit.
vs.	
E. F. Defendant.	

Given under our hands and seals, this — day of — 18—.

Duty of Justices. SEC. 4. *Be it enacted*, That, after the lapse of twenty days, if said cause is not previously removed, by *certiorari* to the circuit court, it shall be the duty of said Justices, or any of one them, to issue a writ of possession, or writ of restitution of said land, and also an execution for the cost, which

writ of possession shall be in the following form, or to the following effect:

State of Tennessee, } To the Sheriff of _____
 _____ County. } County, or to any Constable
 thereof.

Whereas, at a court of enquiry of forcible and unlawful entry and detainer, holden in said county, before G. H.— K. L.— and N. O.— three of the Justices thereof, on the — day of — 18—, judgment was given.

That A. B. recover from E. H., possession of a certain tract or parcel of land, bounded or known and described as follows: (Here describe the tract or piece of land, as it is done in the warrant.) We therefore command you, that you take with you, the form of the county, if necessary, and cause the said A. B., the plaintiff in said judgment, to have and be restored to the possession of said tract or piece of land, and that you remove the said E. F., the defendant in said judgment therefrom, and give the said plaintiff peaceable possession of said premises, and make return to me in twenty days how you have executed this writ. Given under my hand and seal, 31st day of — 18—.

SEC. 5. *Be it enacted*, That in every case of forcible entry and detainer, or of forcible detainer, or unlawful detainer, the warrant may be in the form given in the first section of this act, and it shall not be necessary to set forth in the warrant the particular species of detainer, or forcible entry and detainer, of which the defendant is guilty, but the Justices trying the warrant, shall hear the evidence, and decide the cause upon its merits, and ascertain whether the plaintiff or defendant is entitled to the possession of the premises, agreeable to the laws governing such cases, and give judgment accordingly; and should there be any defect in said warrant, or other proceedings under the same, such process may be amended as other process may be amended in court; and should the Justices, trying the cause, be of opinion that the defendant is entitled to the possession of the land, they shall give judgment against the plaintiff for the cost.

SEC. 6. *Be it enacted*, That no execution or writ of possession shall issue upon any judgment under this act, until after the lapse of twenty days from the time the same shall be rendered; and either party may, at any time before the writ of possession or final judgment is executed, take the cause to the circuit court by *certiorari*, on giving bond and security, in double the value of one year's rent of said place or tract of land, conditioned to pay all costs and damages which may arise from wrongfully suing out such *certiorari*, and if the defendant shall obtain the *certiorari*, and

Forcible entry
and detainer.

Time to issue ex-
ecution.

upon the trial of the cause in the circuit court, the jury shall find that the plaintiff is entitled to possession of the land, they shall ascertain and find the value of the rents during the time the plaintiff has been kept out of possession; and the court shall give judgment against the defendant and his securities accordingly; if the plaintiff shall obtain the *certiorari*, and the jury shall find he is entitled to the possession, they shall likewise ascertain, in their verdict, the value of their rents, and such other damages as they may consider the plaintiff is entitled to, and the court shall give judgment accordingly.

Justice's fee.

SEC. 7. *Be it enacted*, That the fees of the Justices and other officers, for performing the duties herein required of them, shall be the same as is now allowed by law for similar services.

Instituted in
circuit court.

SEC. 8. *Be it enacted*, That actions of forcible entry and detainer, or unlawful detainer, or forcible entry only, may be originally instituted in the circuit courts of this State, in the same manner that actions of trespass, *quare clausum fregit* are at present instituted and conducted, and the same forms shall be substantially pursued, as those prescribed by this act, and all process which shall be issued by the clerk of the court, when the suit is brought; and the court may, if they think proper, direct a declaration to be filed, and pleadings made up showing the issues that are to be submitted to the jury; and the cause shall stand for trial at the first term, and the judgment of the court, if for the plaintiff, shall be for the possession of the premises as well as for the damages and costs of the forcible and unlawful detention, as found by the jury.

SEC. 9. *Be it enacted*, That in all cases originating as aforesaid, in the circuit court, when the jury shall find for the plaintiff, they shall ascertain, in their verdict, the value of the rent, and the damages sustained by the plaintiff for the forcible or unlawful detention, and the court shall give judgment accordingly.

SEC. 10. *Be it enacted*, That in any of the foregoing cases before Justices of the Peace, witnesses shall be allowed the fees for attendance, as are now allowed by law in other cases before Justices of the Peace.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER CLXXXVII.

An act to create the 23d and 24th Brigades of Tennessee Militia, the 23d of Fayette and Shelby counties and the 24th of Maury county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the counties of Fayette and Shelby shall constitute the 23d Brigade of Tennessee Militia, elect one brigadier general, and be attached to the fourth division; and that the county of Maury shall constitute the 24th brigade of Tennessee Militia, elect one brigadier general, and be attached to the third division; that the counties of McNairy and Hardeman shall constitute the 2d brigade, and the counties of Bedford and Marshall shall constitute the 12th brigade.

To hold elections.

SEC. 2. *Be it enacted*, That the white male inhabitants of the counties of Fayette and Shelby, between the age of eighteen and forty-five years, and not exempt from military duty, be, and they are hereby authorised and required to open and hold an election at the places of holding elections for military officers in said counties, on the first Saturday in March, 1842, for the purpose of receiving the votes of such qualified voters as may desire to vote for one brigadier general, to command the 23d brigade of the Tennessee Militia, and that the white male inhabitants of the county of Maury, between the age of eighteen and forty-five years, and not exempt from military duty, be, and they are hereby authorised by law to open and hold an election, at the respective places of holding elections for military officers in said county, on the first Saturday in March, 1842, for the purpose of receiving the votes of such qualified voters as may desire to vote for one brigadier general, to command the 24th brigade of Tennessee Militia, and the person receiving the plurality or highest number of votes in each of the brigades, shall be commissioned, and perform the duties, and be subject to all the liabilities that other military officers of the same grade, as is provided for and required by the militia laws of this State; any law, usage or custom to the contrary notwithstanding.

Regimental musters altered.

SEC. 3. *Be it enacted*, That the regimental musters in the 16th brigade of Tennessee Militia shall be so altered, that hereafter the 85th regiment shall be held at the place as heretofore, on the first Wednesday; the 86th on the first Thursday; the 87th on the first Friday, and the 88th on the first Saturday, and the 96th on the second Friday in October, in each and every year; and the regimental courts martial and drills, and the company musters, shall be held at such convenient times and places, before and after such re-

gimental musters and drills and courts martial, as shall best suit the officers and soldiers thereof; and the officers and citizen soldiers shall attend such regimental and company musters, drills and courts martial, as though the times of holding the same had not been altered, any law, usage or custom to the contrary notwithstanding.

SEC. 4. *Be it enacted*, That the regimental musters in the 22d brigade of Tennessee Militia shall be so altered, that hereafter the two regiments in M'Nairy county shall be held at the place as heretofore, on the first Thursday and Friday in October in each and every year, in the order of their number, as specified in the Militia Laws of this State; and the two regiments in Hardeman county, shall be held on the second Thursday and Friday in October, in each and every year, and the company musters, regimental drills and courts martial, shall be held at such times and places as shall be agreed upon by the officers thereof, any law to the contrary notwithstanding.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPTER CLXXXVIII.

An act to amend an act, entitled an act, to incorporate the inhabitants of the town of Memphis, passed on the ninth day of December, 1826.

To be divided
in wards.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Memphis shall hereafter be divided into five wards, each of which shall be entitled to elect two Aldermen, who shall be residents of the wards for which they may be respectively elected.

To prescribe
boundaries.

SEC. 2. *Be it enacted*, That the President and Board of Mayor and Aldermen shall, in the month of March or April, 1842, prescribe the extent and boundaries of the five wards herein provided for, and that the Mayor and Aldermen of said town shall have power at any time hereafter, in the month of January of any year, to alter the extent and boundaries of the said wards.

SEC. 3. *Be it enacted*, That the Mayor of the town of Memphis shall be elected by the citizens of said town, who are qualified by the present law to vote for Aldermen, and that the elections be held, and the votes received in the respective wards, at the times and in the manner heretofore prescribed for the election of Aldermen.

SEC. 4. *Be it enacted*, That the Mayor and Aldermen

of said town shall elect a town constable, who shall in all respects be subject to the by-laws and ordinances of said Mayor and Aldermen, and shall be subject to removal for any violation, neglect or disregard of such by-laws and ordinances, at the discretion of said Mayor and Aldermen.

SEC. 5. *Be it enacted*, That the said Mayor and Aldermen shall have power to determine the qualifications of their own members, and in all cases of vacancy produced by death, resignation or removal, the said Mayor and Aldermen shall have power to fill said vacancy. Power of Aldermen.

SEC. 6. *Be it enacted*, That the Mayor of the said town of Memphis shall have the power, and exercise the functions of a Justice of the Peace, within the limits of said corporation of the town of Memphis, and that the town constable be authorised to execute all process issued by said Mayor. Power of Mayor

SEC. 7. *Be it enacted*, That the limits of the said town of Memphis be extended so as to include the space now lying between the present eastern boundary of the said town, and the western margin of Bayou Guyoso, from its mouth to the point of its intersection with Union street extended. Town limits.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed Feb. 3, 1842.]

CHAPTER CLXXXIX.

An act to extend the act of 1837-8, chap. 206, and to create a body politic and corporate, to be called the Mutual Insurance and Trust Company of Columbia and Franklin:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of the twenty first section of the aforesaid act, entitled an act to incorporate the Knoxville Marine and Fire Insurance and Life and Trust Company, passed January 17th, 1838, equalizing the rights and privileges of the Insurance Companies of the State of Tennessee, be, and the same is hereby extended to a body politic and corporate, hereby created by the name and style of the Mutual Insurance and Trust Company of Columbia: *Provided*, that the capital stock of said company shall not exceed one hundred thousand dollars: *and provided also*, said Company pay the State the same bonus as other Insurance Companies of this State, which bonus is hereby appropriated to the use of the common schools. Insurance company.

Commissioners, SEC. 2. *Be it enacted,* That Franklin G. Smith, Wm. B. Partee, Samuel D. Frierson, Joseph A. Walker, Meredith Helm, Samuel P. Walker, John H. Ewin, John Williams, Wm. P. Martin Wm. J. Dale, Austin M. Hamner and Alfred Smiser, be, and they are hereby constituted and appointed commissioners and directors of said company, until the first Monday in January, 1843, and until their successors can be elected and qualified as hereinafter directed, whose duty it shall be, as soon as they think proper, after the passage of this act, to advertise in the Tennessee Democrat and Columbia Observer, and one of the newspapers printed in the city of Nashville, giving at least twenty day's notice of the time and place in the town of Columbia, when the said directors and commissioners will open books publicly, for subscription of two thousand shares, of fifty dollars each share, which shares, when subscribed, shall constitute the capital stock of said company, and when said books are publicly opened, if more stock than the amount required shall be subscribed by persons wishing to obtain stock in said Company, on the day of opening such books, or while they are kept open, it shall be the duty of said commissioners to make an equitable distribution, according to the respective amounts subscribed among the subscribers, and no subscriber shall have his subscription reduced below five shares, which number of shares shall be necessary to qualify any person to be a director of said company: *Provided always,* that all persons shall be free to subscribe and own any number of shares less than five.

Elections SEC. 3. *Be it enacted,* That the annual election for twelve directors of the said company shall be on the first Monday in January in each and every year, until the expiration of this act, to which this is a supplement.

SEC. 4. *Be it enacted,* That no part or provision of this act shall ever be construed as to authorise said company or corporation to issue or put in circulation any note, bill, draft, order, check or change ticket, intended to circulate as change or currency; or the tendency of which will be to circulate as change or currency.

SEC. 5. *Be it enacted,* That said company shall not be authorised to make any insurance under the provisions of this act, until the stockholders of said company shall have paid up twenty-five per cent upon the capital stock of said company.

Company in-
corporated, SEC. 6. *Be it enacted,* That the company herein incorporated, shall not make or effect any insurance whatever, until the one half of the capital stock, or fifty thousand dollars of the aforesaid capital stock shall have been subscribed for, and the payment thereof well secured.

SEC. 7. *Be it enacted*, That if this company be not organized on or before the first day of January, 1844, this charter shall be null and void.

SEC. 8. *Be it enacted*, That whenever said company shall, at the expiration of the return term of any execution, founded upon any judgment rendered by any tribunal having jurisdiction thereof, fail or refuse to pay any such judgment, and satisfy such execution which may be rendered and awarded against them, this charter is then declared to be forfeited. Refuse to pay.

SEC. 9. *Be it enacted*, That a body corporate and politic is hereby created by the name and style of the Mutual Insurance and Trust Company of Franklin, in the county of Williamson, of a capital of fifty thousand dollars, subject at the discretion of the stockholders, to be increased to five hundred thousand dollars, with the same restrictions and duration of the aforesaid Mutual Insurance and Trust Company of Columbia. Body politic.

SEC. 10. *Be it enacted*, That Randal McGavock, John Marshall, Richard Alexander, Samuel Crockett, Andrew Park, James Park, Joseph W. Baugh, William H. Crouch, Edwin Cameron, Fountain B. Carter, William Johnson, John W. Miller, Thomas Park, Michael Doyle, Francis T. Reed, Ferdinand Stith, Thomas L. Robinson, Andrew B. Ewing, Daniel McPhail, John D. Taylor, B. Reese, Thos. K. Handy, Andrew Johnson, C. A. Murrell, L. H. Woolbridge, Eli McGan, Wm. Park, Hugh Dempsey, Thomas W. Warren, R. G. Richardson, Samuel Boehens, Thos. B. White, R. C. Foster, jr. and Nicholas Perkins, or any three of them shall be, and they are hereby authorised to open books for subscription at such time and place as may be designated, in a newspaper in the town of Franklin, for at least ten days, and as soon as fifty thousand dollars shall be subscribed, the stockholders shall convene, after public notice in like manner for at least ten days, and proceed to the election of directors—twenty shares shall render any shareholder eligible as a director. To open books.

SEC. 11. *Be it enacted*, That the Mutual Insurance and Trust Company, in Franklin, in the county of Williamson, shall have no one risk to exceed one third the amount of its capital stock, stock paid and secured, to be paid, and in all respects save these specifications, it shall be restricted, privileged and empowered as the aforesaid Mutual Insurance and Trust Company of Columbia.

SEC. 12. *Be it enacted*, That each and every stockholder in said corporation, shall be held liable in their individual capacity, in proportion to the stock owned by them respectively, for the payment of the debts and liabilities of Stockholders liable.

said corporation: *Provided*, that said individual liability shall be enforced, first on the directors of said company: *and provided also*, that judgment shall be first regularly obtained against said corporation, and execution issued and returned, that no property of said corporation can be found to satisfy the same.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed Feb. 4, 1842.]

CHAPTER CXC.

An act to appoint commissioners of the Bean's Station turnpike road, and for other purposes.

Commissioners. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Charles McAnally and Hugh O. Taylor, of the county of Grainger, and Jacob Shultz, of the county of Claiborne, be, and they are hereby appointed commissioners of the Bean Station turnpike road, for two years from and after the adjournment of the present General Assembly, and until others are appointed.

Toll gate. SEC. 2. *Be it enacted*, That said commissioners be, and they are hereby authorised to establish one additional toll gate on said road, if, in their opinion, the public interest would thereby be promoted: *Provided*, that, if such additional gate shall be established, not more than half the rate of toll now collected at the toll gate near Clinch Mountain shall be charged at either of said gates.

To pass toll free. SEC. 3. *Be it enacted*, That, in addition to the exemption from toll already allowed to the citizens of Grainger and Claiborne, they be allowed to pass toll free whenever on attendance at the courts of either of said counties.

SEC. 4. *Be it further enacted*, That the citizens of the county of Claiborne, that now work on said road, shall hereafter be required to work on said turnpike road from Clinch River to the top of Cumberland Mountain, two days in each year, in the month of October.

SEC. 5. *Be it enacted*, That the citizens of the county of Claiborne shall pass such additional toll gate as may be established in said county, free of toll.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Passed Feb. 5, 1842.]

Speaker of the Senate.

CHAPTER CXCI.

An act to amend the laws now in force in relation to free persons of color.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any slave has been or shall be emancipated in this State, agreeably to the laws now in force, and where any free person of colour shall have removed to this State, previous to the 1st day of January, 1836, it shall be lawful for such free person of color, to prefer his petition to the county court of the county in which he or she is residing, or may wish to reside, setting forth the causes why he or she may wish to remain in this State, and if, upon the hearing of the petition, and any evidence that may be adduced, the court is satisfied that the person making the application, is of good character, and ought to be permitted to reside in the county they may grant such privilege upon the condition hereafter mentioned, and thereupon, such free person of colour shall be exempted from the penalties imposed by the act of 1831, chap. 102, and other penalties and conditions imposed on free persons of colour removing to or residing in this State, or required to leave the same.

SEC. 2. *Be it enacted,* That before the county court shall grant the privilege aforesaid, the applicant shall give bond or enter into a recognizance with two or more good and sufficient sureties, in the penalty of five hundred, dollars conditioned that such free person of colour shall keep the peace and be of good behaviour towards all free white citizens of this State, and shall not become chargeable to the county; and if the free person of colour have a child or children under fifteen years of age, he or she may petition for him or herself and children, and give bond and security accordingly, in the penalty of five hundred dollars for each person to whom the privilege is proposed to be extended.

SEC. 3. *Be it enacted,* That said bond or recognizance, when taken, or a copy thereof shall be deposited in the circuit court clerk's office, and shall be a record of said court; and if the condition thereof be violated, or the same become forfeited, it shall be the duty of the Attorney General of the District, to proceed to enforce the collection of the penalty, by *scire facias*, as in other cases of forfeited recognizance, and such free person of colour shall thereupon moreover be liable to all the penalties imposed by the act of 1831, chap. 102, and other penalties and conditions imposed on free persons of colour.

SEC. 4. *Be it enacted,* That the privilege hereby extended, shall not authorise such free person of colour to

Shall give bond

Duty of Attorney General.

live in any other county than the one in which the privilege aforesaid shall be granted; and if any free person of colour, to whom such privilege shall be granted, shall remove to another county, and shall fail to obtain the privilege of living there, as provided in this act, he shall be liable to all the penalties now imposed by the act of 1831, chap. 102.

SEC. 5. *Be it enacted,* That the recognizance required to be taken, by the second section of this act, shall be renewed once every three years, at which time the county court may again institute an enquiry into the character and conduct of the applicant, and may thereupon revoke the privilege previously granted, or refuse to continue the same, and if such privilege shall be revoked or discontinued, the applicant shall leave the State within twenty days, and, on failure to do so, shall be subject to all the penalties imposed by the act of 1831, chap. 102, and may be indicted and punished accordingly.

SEC. 6. *Be it enacted,* That no negro or person of colour shall obtain the benefit of this act, except such as are natives of this State, and such as were in this State before the 1st day of January, 1836; and hereafter, in emancipating slaves, it shall be upon the conditions of their leaving and removing from the State, as heretofore; and if the slave thus emancipated shall obtain the privilege of living in this State, it shall be upon petition to the county court, under the provisions of this act, and not otherwise.

SEC. 7. *Be it enacted,* That where any free person of colour shall be detained in this State, by sickness or other unavoidable accidents, he, she or they, while so detained, shall not be subject to the penalties prescribed by the first section of chap. 102, of an act passed at Nashville, in the year 1831, nor shall any free person or persons of colour, be subject to the penalties of said act, unless he, she or they shall first have had twenty days notice of the existence of said act, and that it would be put in force against them unless they departed from the State within that time.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNER,

Passed Feb. 4, 1842.]

Speaker of the Senate.

CHAPTER CXCI.

An act to amend an act passed the 11th December, 1837, entitled an act to amend an act to incorporate the Ashport Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the*

State of Tennessee, That the individual stockholders of the Ashport Turnpike Company, upon their paying to the proper officer at any time within four years, the government prices fixed by congress for the occupant lands south and west of the Congressional Reservation Line, in this State, be, and they are hereby authorised to received a grant in fee, for the pre-emption land as stipulated in said amended act, dated the 11th of December, 1837. Individual stockholders.

SEC. 2. *Be it enacted*, That said company, or their grantor, upon the completion of said turnpike road, from the town of Jackson, in Madison county, to the high land west of Forked Deer river, may charge and receive toll at the following rates, viz: for every hog or sheep, $1\frac{1}{2}$ cents; for every head of horned cattle, horses or mules, in a drove, 2 cents; for every horse or mule not in a drove, 5 cents; for every horse or mule, with a rider, $12\frac{1}{2}$ cents; for every two wheeled carriage, 25 cents; for every carry-all, 25 cents; for every four wheeled pleasure carriage, 50 cents; for every waggon with three or more horses, mules or oxen, 50 cents; for two horses, &c. 25 cents; for every hack or mail coach, 50 cents; and the like proportion for vehicles &c. not enumerated. Completion of road.

SEC. 3. *Be it enacted*, That the stockholders of said company shall not be entitled to the benefits of the first section of this act, until said road is completed from the Mississippi river, through the bottom to the bluff east of Coal creek, according to the original charter: *Provided*, that nothing in this act shall be so construed as to authorise the stockholders to convey away any of the right of the State in said road.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Passed Feb. 4, 1842.]

Speaker of the Senate.

CHAPTER CXCIH.

An act to amend the act of 1835, chapter 75.

Be it enacted by the General Assembly of the State of Tennessee, That the "words or term" "a white woman" used and expressed in said act, shall extend to and include all and every white female; and if any negro or mulatto, whether bond or free, shall make an assault with violence or force upon any white female, with intent to have carnal

To assault.

knowledge or sexual intercourse with such white female, against her consent, such negro or mulatto shall, on conviction for said offence, suffer death by hanging.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,
Speaker of the Senate.

Passed Feb 5, 1842.]

RESOLUTIONS.

NUMBER I.

Resolutions instructing our Senators in Congress, if there be any elected, and requesting our Representatives to vote for the repeal of the Bankrupt Law.

WHEREAS, it is a fundamental principle in a Republican Government, that in the discharge of the various important trusts confided to their agency, all public servants should be guided and controlled by the voice of the people, when that voice is not in direct and palpable violation of the plain injunctions of the Constitution; and *whereas*, the members of this General Assembly, coming "fresh from the people," are justly presumed to understand and bound faithfully to reflect public sentiment, on all grave and important subjects; and *whereas*, also the General Assembly of Tennessee claims the right at all times, in behalf of their constituents, to instruct the Senators who represent the good people of Tennessee in the Congress of the United States, upon all measures of great public consequence; and *whereas*, at the last session of Congress, a law passed, entitled "an act to establish a uniform system of Bankruptcy;" and *Whereas*, the provisions of said law are manifestly at war with public opinion in the State of Tennessee; therefore

Resolved by the General Assembly of the State of Tennessee, That our Senators in the Congress of the United States, if the present vacancies are hereafter filled by the Legislature, are hereby instructed, and our Representatives requested to vote for and support any bill which has been or may be brought forward, to repeal an Act passed on the day of September, 1841, entitled "an Act to establish a uniform system of Bankruptcy."

Resolved, That the Governor be requested to furnish a copy of these instructions to each of the Representatives of Tennessee in the Congress of the United States, and also a copy of each to the Senators of Tennessee, if such Senators shall be hereafter elected to represent this State in the Congress of the United States.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

NUMBER II.

Resolutions of Instructions, and request to our Senators, when Senators shall be elected, and Representatives in Congress, on the subject of the American Tobacco interest.

WHEREAS, in the opinion of this General Assembly that wisdom and sound policy require that the peculiar interests of all the laboring classes of society, but more especially the Agricultural industry and enterprise of the country should be protected and encouraged to the utmost practicable extent, by proper and judicious legislation; and *Whereas*, the State of Tennessee is, and must continue to be, from the very nature of her soil and climate, Agricultural in her leading pursuits, and can alone look with strong hopes and confidence of success to her Agricultural resources, for the principal elements of social compact, individual wealth, and permanent prosperity; and *Whereas*, her enterprising and industrious population is becoming extensively engaged in the culture of Tobacco as the leading and most valuable of all her Agricultural staples; and *Whereas*, this product of American growth, on entering the ports of almost every power or country to which it is exported, is subjected to unreasonable and enormous duties and restrictions, amounting in many of those countries almost to prohibition.

1st. *Therefore resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed (when Senators shall be elected,) and our Representatives requested to use their utmost influence and exertions for the adoption of such measures as in their opinion will result in relief to this great Agricultural interest of a large portion of the American people, by the speedy removal of existing restraints or the reduction of present high duties on American Tobacco entering foreign ports, to a fair revenue standard.

2d. *Resolved*, That in the opinion of the General Assembly, wisdom indicates a resort to negotiation as the first and best means of accomplishing this great and important object.

3d. *Resolved*, That should resort to diplomatic intercourse fail to secure the desired relief, in that event the General Assembly hereby instructs our Senators, when Senators shall be elected, and requests our Representatives in the Congress of the United States, to resort to a system of countervailing duties, to be imposed on the luxuries imported from those foreign countries to which American Tobacco is sent, and in which it is subjected to the onerous duties so justly complained of: *Provided*, by the word luxuries is not meant either sugar, coffee or tea.

4th. *Resolved*, That should a resort to the system of countervailing duties here recommended, become necessary to accomplish the object in view, then and in that case it is the sense of this General Assembly that the Congress ought to reduce the existing duty on articles of comfort and necessity, not the product or manufacture of the United States, so that the aggregate amount of revenue collected from imports shall not exceed the wants of the federal Government, when economically administered.

5th. *Resolved*, That a copy of the foregoing preamble and resolutions be communicated by the Governor of this State to each of our Senators and Representatives in Congress, and also to the Governors of Virginia, Maryland, Kentucky, Ohio, Indiana, Illinois and Missouri, with a request that they be laid before their respective Legislatures at the earliest opportunity, and that said States be respectfully requested to co-operate with the State of Tennessee in the accomplishment of the object of the foregoing Resolutions.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Speaker of the Senate.

Adopted Feb. 4, 1842.]

NUMBER III.

Preamble and Resolutions in favor of the admission of Texas into the Union with equal rights and upon an equal footing with the sovereign States of these United States of America.

WHEREAS, the people of Texas have evinced an unconquerable love of Liberty, by their Spartan firmness in the Alamo, and their heroic conduct at San Jacinto; and *Whereas*, the same people have proved their capacity for self-government, by the adoption of their free and republican Constitution and Laws—

Be it therefore resolved by the General Assembly of the State of Tennessee, That our Representatives in Congress be requested to use every exertion in their power to procure the admission of Texas into the Union, with equal rights and upon an equal footing with the sovereign States of these United States of America.

Resolved, That the Governor of Tennessee, the Speaker of the Senate and the Speaker of the House of Representatives, in behalf of their respective Houses, be requested to subscribe these resolutions; and that his Excellency the Governor, be requested to forward a copy to the Governor of each of the States and Territories of the Union, and a copy to the President of Texas.

Resolved, That this General Assembly approve of the Joint Resolutions, unanimously adopted by the Legislature of Alabama at its late session, on this subject, and transmitted to this General Assembly, through his Excellency the Governor.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Speaker of the Senate.

Adopted Feb. 7, 1842.]

NUMBER IV.

Resolutions directory to the different Internal Improvement Companies in this State, in which the State is a Stockholder.

Resolved by the General Assembly of the State of Tennessee, That each Internal Improvement Company in which the State has stock, be required, and they are hereby required, to report to the present session of the General Assembly, if practicable, and if not, then to the next session of the General Assembly, whether the same shall be a regular or extra session, and in the said report shall state and reply fully to the following interrogatories, which said report and answers shall be verified by the affidavits of the President and Clerk or Secretary of said Company—that is to say:

1. State the date when said Company was first organized.
2. State the total amount of stock subscribed by private stockholders, with a list of their names, and the amount subscribed by each.
3. State the total amount of stock which has been actually paid in, in cash, by the whole number of private stockholders; and also annex to the name of each stockholder, the amount so paid by such stockholder.
4. State the dates when each instalment of stock was paid by the private stockholders, and the date of the payment by each stockholder individually.
5. State the whole amount of stock of private stockholders which remains unpaid, with the name of each stockholder owing the same.
6. State the whole amount of State Bonds issued and received by the Company, on the stock subscribed by the State in said company.
7. State what disposition has been made of said Bonds—whether the same, or any part thereof, have been sold; and to whom and at what price; and whether the same or any part thereof, have been pledged for the loan of money, or in security for money borrowed; and to whom the same, or any part thereof, are so pledged.
8. State who have been the salaried officers of said company since its organization, and what have been the amount of salaries paid to said officers yearly, since the organization of said company, up to the date of making said report.
9. State the name of each officer, including the President or Presidents, and Engineer or Engineers, and the names of all other officers or agents, and the amounts of salaries and compensations which have been paid or agreed to be paid to each, and the length of time, specifying the particular times and dates during which each of said officers have been employed by said company, up to the date of said report.
10. State whether different amounts of salaries have been paid in different years to any or all of said officers, and to whom, with the variations in the amount of each.
11. State what amount of the funds of said Company, if any, have at any time been vested in iron works, steam boats, or in any other work or works, or business, than the construction of said road; and if so vested, or proposed to be so vested, let the authority be stated for making said investment or investments.

12. State what salaries, and to what officers, if any, have continued to accrue and be paid, when the actual work on said road has been in a state of suspension; and if so, for what length of time, and to what amount to each have said salaries accrued or been paid.

13. State whether said Company has assumed the authority of issuing bills, either as Bank notes, orders, certificates, drafts or acceptances, intended to be circulated as money or change bills; and if so, to what amount, and by what authority; and what funds have been set apart or provided for the redemption of said notes, drafts, orders, certificates, or acceptances.

14. State what amount has been expended in the payment of the costs of suits, Attorney's fees, and other incidental expenses, and to whom.

15. In what manner was said road let out, and who were the undertakers; and at what rate per mile; and in what manner paid, or to be paid, for the construction of said road?

16. What amount of monies, State bonds, or either, and which, if any, have been vested in the purchase of slaves, lands, town lots, or other property, and at what prices?

17. What amount of tolls have been collected by them? What expended in employing gate-keepers? and if any overplus, what disposition has been made of said overplus?

18. If any of the funds of the State have been employed in the purchase of stock in said company? if so, at what prices, and from whom purchased?

19. State if in offering the road to contractors, whether or not the Board of Directors reserved to themselves the right, after contracts were taken, to change the location of the road; and if so, at what price per mile the contract was made; and whether the contractor was a stockholder in the road or not.

Be it further enacted, That each and all of the foregoing *interrogatories* be propounded to each of the Internal Improvement Companies in which the State is a stockholder, and in which the amount of her subscription has not been paid, in whole or in part; that the Secretary State of furnish a copy of these resolutions and interrogatories to the President and Directors of the said Companies, and that they be required to answer them on oath.

BURCHETT DOUGLASS, J

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Adopted 5th January, 1842.]

NUMBER V.

Resolution dividing the county of Perry, making Tennessee river the county line.

Resolved by the General Assembly of the State of Tennessee, That

the 4th section of the 10th article of the Constitution of said State, be so amend as to permit the Legislature of said State to divide the county of Perry, making the Tennessee river the county line, a majority of the e qualified voters of said county voting in favor of said division.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Adopted Jan. 7, 1842.]

Speaker of the Senate.

NUMBER VI.

A Resolution to amend the fourth section of the tenth article of the Constitution of the State, so that the counties of Bledsoe and Marion shall come under the General provisions of the Constitution in forming new counties.

Resolved by the General Assembly of the State of Tennessee, That the tenth article and fourth section of the Constitution, be so amended that the counties of Bledsoe and Marion shall come under the general provision of the Constitution in forming new counties.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Adopted Jan. 7, 1842.]

NUMBER VII.

Resolution directing the Comptroller to pay over money to Covington Academy in Tipton county.

WHEREAS, by an act of the General Assembly of the State of Tennessee, passed on the ninth day of December, 1826, chap. 186, it was provided that Covington Academy, in the county of Tipton, should be organized and established as the county Academy in said county; and *Whereas*, in the act of 27th January, 1840, chap. 102, prescribing the manner of distributing the Academy names, and designating the names of the several county Academies entitled to a proportional share of Academy funds; no name was designated for the county Academy of Tipton, and *Whereas*, from said omission, no portion of the fund has been or can be drawn from the Treasury without the further interposition of the General Assembly; therefore

Resolved by the General Assembly of the State of Tennessee, That upon application of the President as Chairman of the board of trustees of Covington Academy, as provided for in the third section of the act of 1840, chap. 102, it shall be the duty of the Comptroller to issue his warrant to such President or Chairman of Covington Academy, for

whatever portion of Academy money may be in the Treasury, according to Tipton county, in the same manner, and with the same effect as if the word "Covington" had been inserted after the words Tipton county, in the latter clause of the first section of said last recited act.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Adopted Dec. 11, 1841.]

NUMBER VIII.

Resolution directing the Bank of Tennessee to pay to the trustees of Henderson county, the distribution share of said county, out of the common school fund for 1841, upon the Bank first making certain enquiries, and being satisfied in relation thereto, with certain instructions to the Treasurer, and said Bank relative to said payment.

WHEREAS, it appears to the General Assembly that, in the distribution of the common school fund for the year 1841, the sum of \$1973 45, was allotted and distributed as the share coming to the county of Henderson; and *Whereas*, it also appears to the General Assembly, that to pay the said sum of \$1973 45, to the county of Henderson, the Comptroller of the Treasury draw his warrant of the following tenor and effect, that is to say:

\$1973 45.

No. 3145.

To the Treasurer of the State of Tennessee—pay to Geo. M. Arnold, trustee, nineteen hundred and seventy-three dollars and forty-five cents, the amount due and owing on account of distributive share of school fund, accruing to Henderson county, in 1841.

Given under my hand at office,
 the 9th day of August, 1841, }

DANIEL GRAHAM,
Comptroller of the Treasury.

I certify that the above is a true copy of an original warrant issued by me, and transmitted by the first mail, after issuing to G. M. Arnold, county trustee at Lexington, Henderson county, Tennessee, and the same has not been presented to the treasurer for payment since.

DANIEL GRAHAM,
Comptroller.

AND WHEREAS, it is represented to the General Assembly, that said warrant was enclosed in a letter by the Comptroller of the Treasury, and directed to G. M. Arnold, trustee of Henderson county, and which letter, with said warrant so enclosed, was misplaced in the Post Office at Nashville, with the above direction; and *Whereas*, it is also represented to the General Assembly, that said letter, with said warrant, has been misplaced or destroyed, and has not been received by the said trustee of Henderson County nor paid by the Treasurer of the State nor the Bank of Tennessee or its Branches.

Therefore Resolved by the General Assembly of the State of Tennessee,
That the Bank of Tennessee be, and it is hereby authorised and directed to pay out of the school fund, to the trustee of Henderson county, the said sum of \$1973 45, after the said Bank of Tennessee shall be well informed and satisfied that said warrant has not been paid at any of the Branches of said Bank, or the Treasurer of the State.

And be it further resolved by the authority aforesaid, That the Treasurer of the Bank of Tennessee and its Branches, are hereby directed not to pay said warrant, should the same at any time be presented for payment.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Adopted Dec. 10th, 1841.]

NUMBER IX.

Resolution requiring the Comptroller to allow William Rice, Sheriff of Sumner county, commission on tax by him collected for the year 1840.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be directed to allow William Rice, Sheriff of Sumner county, his commissions on the State tax collected by him for the year 1840.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Adopted Feb. 1, 1842.]

NUMBER X.

A Resolution directing the Secretary of State to adjudicate warrant No. 1240.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be, and he is hereby directed to adjudicate a land warrant, No. 1240, issued by William Hill, Secretary of State of North Carolina, dated 28th day of March, 1837, to the heirs of Finly McDonald, a private in the Continental line, for six hundred and forty acres, and to certify the same, if found on adjudication to be a *bona fide* warrant, and that the same has not been satisfied, on any vacant and unappropriated land reserved for said warrant.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Adopted Jan. 29, 1842.]

NUMBER XI.

Resolution to authorise the Superintendent of Public Instruction, to keep his office in the Senate Chamber, after the rise of this General Assembly.

Resolved by the present General Assembly of the State of Tennessee,
That the Superintendent of Public Instruction be, and he is hereby authorised to keep his books, papers, and keep his office in the Senate Chamber, from the time of the adjournment of this session of the General Assembly, until the commencement of the next session of the same: *provided*, he keeps said chamber and furniture in good repair and condition during the recess.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Adopted Feb. 2, 1842.]

NUMBER XII.

Resolution denouncing the doctrine of repudiation of State debts.

1st. *Resolved by the General Assembly of the State of Tennessee,*
That a prompt payment and fulfilment of all her debts, obligations and engagements, created in good faith, is a paramount duty, which cannot be disregarded or set aside consistently with the honor of the citizens of the State.

2d. *Resolved,* That copies of the foregoing Resolution be transmitted by the Governor to the President of the United States, the Executives of the several States, and our Representatives in Congress.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Adopted Feb. 2, 1842.]

NUMBER XIII.

Resolution directory to the Governor and Secretary of State, requiring them to procure title to the land on which the Lunatic Asylum is situated.

WHEREAS, The title of the State to the land on which the Lunatic Asylum of the State is situated, has not been perfected, though the money for the purchase has been paid; therefore,

Be it resolved by the General Assembly of the State of Tennessee,
That the Governor of the State, and the Secretary of State, be and they

are hereby appointed Commissioners on behalf of the State, to enquire into the title of said property, and to take from the former owner of said property, in whom the legal title now is, a deed in fee simple for said land, with its hereditaments, to the State of Tennessee, with a clause of general warranty and other proper covenants, and that they deposite said deed, when so taken, first having the same duly proven and registered in the office of the Secretary of State, to be by him kept as other public documents.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Adopted Feb. 3, 1842.]

NUMBER XIV.

Resolution directory the Secretary of State.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be, and he is hereby authorised to appoint an agent at Knoxville to examine, receive and receipt for that portion of the Journals of this General Assembly intended for distribution in East Tennessee.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Adopted Feb. 4th, 1842.]

NUMBER XV.

Resolution to amend the fourth section of the tenth article of the Constitution of the State of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the fourth section of the tenth article of the Constitution of the State of Tennessee, be so amended that a new county may be formed out of a portion of the Territory now composing the counties of Sullivan, Washington, Green and Hawkins, which new county may consist of less than three hundred and fifty square miles.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Adopted Feb. 5th, 1842.]

NUMBER XVI.

Preamble and resolutions of request to the legislature of Louisiana, on the subject of tobacco inspection laws of that State.

WHEREAS, the soil and climate of Tennessee are peculiarly adapted to the growth of tobacco, and her citizens are extensively engaged in the culture of tobacco, which forms an important commodity of their exports; and

WHEREAS, the course of trade renders the shipment of tobacco produced in the valley of the Mississippi, and especially in this State to New Orleans; the commercial emporium of the South-west, indispensable to its exportation or reshipment to the American Markets; and

WHEREAS, it is beleived by this General Assembly, from information derived from planters engaged in the culture of this staple, and others familiar with the tobacco trade in New Orleans, that under the existing laws of Louisiana, regulating the inspection of this article, and the customs and rules of commission houses, connected with this branch of business, abuses are practised, and unreasonable and extravagant charges made, injuriously affecting the rights and interests of such of our citizens, as send their tobacco to New Orleans; and *Whereas*, in this catalogue of abuses, the members of this General Assembly are advised, and deem it their duty to state that the following are among the number considered of sufficient importance to deserve a special enumeration, namely:

1st. The custom of the inspectors in New Orleans, to charge the owner of the tobacco inspected, or his agent, forty cents on each hogshead, for delivering a pasteboard strip, on which is marked, *in pencil*, the class in which the tobacco has been placed by the inspector. This practise is charged as an abuse, unauthorised by the laws of Louisiana, and is said not to have existed from 1819 to 1835, at which latter period, it is alleged it sprung up, and has since amounted to \$8,000 per annum, or \$48,000 within the last six years.

2nd. The charge of seventy-five cents for cooperage, twenty-five cents for weighing, and one dollar for repacking on each hogshead, is beleived by this General Assembly to be too high, and forms a just ground of complaint on the part of our citizens.

3rd. The charge by warehouse keepers, of fifty cents per month on each hogshead for storage, is also complained of as being unreasonable, and as an evidence of the existence of this grievance, it is asserted that commission merchants in New Orleans are rapidly realizing large fortunes, after paying from five to seven thousand dollars per annum rent for a single warehouse, which they use only about six months in the year.

4th. It is also represented to this General Assembly, that small parcels of tobacco, amounting to from thirty to fifty pounds, are taken from each hogshead in the process of inspection, and not restored to it in repacking, which is often totally lost to the owner, and when account-

ed for at all, it is only at one half the price usually paid for the same quality of tobacco in the market, at the time of its subtraction from the hogshead; other abuses of minor importance to the foregoing, are said to be practised, and other grievances of a more trivial character are charged to exist, which a sense of justice to the tobacco growers of the valley of the Mississippi demands should be corrected, and redressed by the legislative authority of Louisiana, which alone can afford the desired relief, for remedy whereof.

1st. *Resolved by the General Assembly of the State of Tennessee,* That, on behalf of our constituents, the early and serious attention of the legislature of the State of Louisiana, be, and the same is hereby earnestly and respectfully invited to the favorable consideration of this subject, in the application of the necessary correction to the abuses and grievances set forth and complained of in the foregoing preamble, by the revision and improvement of the tobacco inspection system of said State, and the enactment of a law regulating the charges of warehouse keepers, for the storage of this article.

2nd. *Resolved,* That the Governor of this State, be, and he is hereby instructed to transmit to the Governor of Louisiana, a copy of the foregoing preamble and resolutions, with the request that the same be laid before the legislature of said State, as early as practicable.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Adopted Feb. 4th, 1842.]

NUMBER XVII.

A resolution directing the Attorney General of the State, to file a bill in chancery against the East Tennessee College, Nashville University, and Luke Lea.

Resolved by the General Assembly of the State of Tennessee, That the Attorney General of this State, is hereby directed to file a bill in chancery against the East Tennessee College, Nashville University, and against the Hon. Luke Lea, calling on said College and University to appear and answer why the grant of the State to them of certain lands in the Ocoee District, should not be avoided, set aside, and cancelled; and calling on the Hon. Luke Lea to appear and answer why all title acquired by him in said lands, in virtue of a purchase made from said Institutions, should not be divested out of him, and his deed to the same cancelled, or said Attorney may, for the purpose above, sue out process of *scire facias*, or any other process necessary in law or equity, for the purposes above stated.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Adopted Feb. 4th, 1842.]

NUMBER XVIII.

Resolution requiring the Banks of Tennessee to resume and continue specie payments.

Resolved, That the Attorney General of the State of Tennessee be, and he is hereby directed to apply to the Judges of the Supreme Court of the State of Tennessee, for a writ or writs of *scire facias*, to issue in the name of the State of Tennessee, calling upon the President, Directors and Company of the Union Bank of the State of Tennessee, and the President, directors and company of the Planters' Bank of Tennessee, if they shall not resume specie payments as hereinafter ordered and resolved, or such of said corporations as shall not resume specie payments as hereinafter directed and ordered, as it is the opinion of this General Assembly, such failure or refusal to resume specie payment by said corporations, or either of them, will be a violation of their respective charters, and that the same will be forfeited; to show cause why their respective charters shall not be declared forfeited, and that the Judges of the Supreme Court shall direct a *scire facias* to issue in the name of the State of Tennessee, calling upon said corporations to show cause why their charters shall not be declared forfeited, and said writ or writs of *scire facias* shall specify with precision the nature of the complaint and grounds upon which the forfeiture is claimed.

Resolved, That the Attorney General of the eleventh solicitorial district of the State of Tennessee, be, and he is hereby directed to apply to the Judge of the Circuit Court of Shelby county, for a writ of *scire facias* at the first term of said court, after the adoption of this resolution; and it shall be the duty of said Judge, to direct a *scire facias* to issue from the said court in the name of the State of Tennessee, calling upon the said corporations of the Farmers' and Merchants' Bank of Memphis, to show cause why their charter shall not be declared forfeited, and the said writ of *scire facias* shall specify with precision the nature of the complaint and grounds upon which the forfeiture is claimed.

Resolved, That the Attorneys General aforesaid are hereby directed to stay said proceedings against said corporations respectively: **Provided**, the President, Directors and Company of the said corporations shall *bona fide* resume the payment of specie for their respective liabilities, according to their said charters, on or before the first day of January, in the year 1843; then the several Banks in this State shall resume within twenty days from the time of resumption by the Banks of Kentucky and Louisiana. But if said corporate authorities, or either of them, shall fail or refuse to resume specie payments, on or before the first day of January, 1843, then the said proceedings shall be prosecuted against the corporation so refusing, without delay to final judgment, unless otherwise directed by the Legislature of this State.

Resolved, That the Bank of Tennessee and its Branches, are hereby directed to resume the payment of specie for their respective liabilities, according to their said charters, whenever the said Union Bank of the

State of Tennessee, the Planters Bank of Tennessee, or either of them shall resume specie payments, and continue the same in good faith so long as said Stock Banks shall continue to do so: *Provided*, that nothing herein contained shall be so construed as to make it the duty of the Solicitor for the eleventh Solicitorial District to apply for a *scire facias* against the Farmers' and Merchants' Bank of Memphis, until the Attorney General for the State shall have first obtained a *scire facias* against the Union Bank of Tennessee and the Planters' Bank of Tennessee.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Adopted Feb. 5, 1842.]

Speaker of the Senate.

NUMBER XIX.

The Joint Select Committee appointed to ascertain the number of Acts and Journals of the present General Assembly, to be printed and distributed, beg leave to submit the following Report:

Resolved by the General Assembly of the State of Tennessee, That the following number of Acts and Journals of each House of the present session of the General Assembly, be printed and distributed; the public and private Acts to be bound in one volume—one copy of the Acts to each Justice of the Peace, one copy to each Sheriff, one copy to each Circuit Court Clerk, one copy to each County Court Clerk, one copy to each Surveyor, one copy to each Register, one copy to each Ranger, one copy to each Entry-taker, one copy to each trustee, one copy to each coroner; and one copy of the Journals of each House to each civil district.

COUNTIES.	ACTS.	JOURNALS.
Anderson, ...	30	10
Bledsoe, ...	30	10
Blount, ...	44	17
Bradley, ...	34	12
Campbell, ...	30	10
Carter, ...	30	10
Claiborne, ...	34	12
Cocke, ...	30	10
Grainger, ...	40	15
Hamilton, ...	34	12
Greene, ...	47	18
Johnson, ...	26	8
Hawkins, ...	44	17
Meigs, ...	26	8
Jefferson, ...	40	15
Marion, ...	30	10
Knox, ...	45	17
Morgan, ...	26	8
Monroe, ...	44	17
McMinn, ...	44	17

Rhea,	26	8
Roane,	40	15
Sevier,	30	10
Sullivan,	40	15
Washington,	44	17
Polk,	24	7
Bedford,	50	20
Cannon,	34	12
Coffee,	36	13
Davidson,	60	25
Dickson,	32	11
De Kalb,	22	11
Fentress,	26	8
Franklin,	40	15
Giles,	44	17
Humphries,	30	10
Hardin,	34	12
Hickman,	34	12
Jackson,	40	15
Lawrence,	34	12
Lincoln,	60	25
Marshall,	41	15
Overton,	34	12
Maury,	56	23
Montgomery,	40	15
Stewart,	34	12
Robertson,	40	15
Wayne,	34	12
Rutherford,	60	25
Smith,	56	23
Sumner,	50	20
Warren,	40	15
White,	40	15
Williamson,	60	25
Wilson,	60	25
Benton,	27	9
Carroll,	44	17
Dyer,	26	8
Fayette,	40	15
Gibson,	40	15
Henderson,	40	15
Hardeman,	40	15
Haywood,	34	12
Henry,	42	16
Lauderdale,	26	8
McNairy,	34	12
Madison,	44	17
Obion,	26	8

Perry, ...	34	12
Shelby, ...	34	12
Tipton, ...	30	10
Weakley, ...	36	13
Van Buren, ...	22	6
For each member of the House one copy, one copy of both Journals bound in boards, and a copy of the Acts,	75	150
For each member of the Senate one copy of both Journals, bound in boards, and a copy of the Acts,	25	50
For each Clerk of the House one copy of the Journals and Acts,	3	6
For each Clerk of the Senate one copy of the Journals and Acts,	2	4
For States and Territories,	60	00
For the use of the General Assembly, to be deposited with the Secretary,	100	50
For the Supreme Judges, Chancellors and and Circuit Judges,	20	00
For the Clerks of the Chancery and Su- preme courts,	40	00
For each Attorney General,	15	00
For Treasurers, Superintendent and Comp- troller,	3	00
	3100	1272

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Passed 31st Jan. 1842.]

NUMBER XX.

A resolution directory to the Comptroller of the Treasury.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be directed to settle the accounts of any of the clerks and sheriffs who have collected revenue, and who have heretofore been reported to the Attorney of the 14th Judicial Circuit: Provided, that such sheriff or clerk shall not be released from the payment of any costs which may have accrued, or which may hereafter accrue, on any motion or suit which may have been commenced against them for delinquency.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Adopted Feb. 3, 1842.]

Speaker of the Senate.

NUMBER XXI.

Resolution directory to the Superintendent of Public Instruction.

WHEREAS, it is represented to this General Assembly, that some of the agents of the common school fund, heretofore appointed in the several counties in this State, by the superintendent of public instruction, have purchased real estate for the benefit of the common school fund, which real estate had been conveyed by deeds of mortgage, or deeds of trust, which had been executed for the purpose of securing debts due the common school fund; and

WHEREAS, it appears that such purchases have been made by such agents, for the benefit of the common school fund, and to prevent a sacrifice of the common school fund; and

WHEREAS, the superintendent of public instruction has declined or refused to take deeds for the real estate so purchased by such agents, for the benefit of the common school fund; therefore

Resolved by the General Assembly of the State of Tennessee, That, in all cases, where any of the agents of the common school fund, in any of the counties of this State, may have purchased in any real estate, sold under any mortgage or deed of trust, executed for the purpose of securing any debts due the common school fund, it shall be the duty of the superintendent of public instruction, to take deeds for such real estate, to himself and his successors in office, for the use and benefit of the common schools in this State.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Adopted Jan. 20th, 1842.]

NUMBER XXII.

A resolution directory to the Comptroller of the Treasury, authorizing him to settle the account of the Sheriff of Humphreys county, for the taxes due the State for the year 1840.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the Comptroller of the Treasury, to settle the account of the sheriff of Humphreys county, for the taxes of 1840, which has been reported for collection, and that, in making such settlement, he shall be authorised to allow all just and equitable credits for insolvencies, which shall be furnished either by the affidavit of said sheriff, or from the records of the courts of said county of Humphreys: *Provided*, that the said sheriff shall be still liable to pay the costs if

any accrue in any motion or suit at law, instituted for recovery of said revenue.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Adopted Jan. 21st, 1842.]

NUMBER XXIII.

A resolution for the relief of John England, and for other purposes.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller audit, and the Treasurer pay to John England, deputy sheriff of White county, whatever may be due him by law for bringing Margaret Rose, a lunatic pauper, from the county of White, to the Lunatic Asylum, at Nashville, by order of the county court of White county: Provided, it shall appear to them that he has performed the duty as required by law.

Resolved further, that the Comptroller audit, and the Treasurer pay ——— Saunders, deputy sheriff of Rutherford county, the amount that may be due him for bringing a lunatic pauper from said county, to the Lunatic Asylum, at Nashville, under an order of the county court of Rutherford: Provided, it shall appear that he has performed the duty as required by law: Provided, it shall appear that there was no estate of the said lunatic to pay the same.

Resolved, that the Comptroller be directed to audit, and the Treasurer be directed to pay to John Norman, sheriff of Carroll county, the sum of thirty-nine dollars, for the transportation of Edward Harris, a lunatic pauper, from Carroll county, to the Lunatic Asylum: Provided, the same appears to be due him by law.

Resolved, that there be allowed to said several sheriffs, or deputy sheriffs, any amount they may have necessarily paid for clothes to render said lunatic pauper decent and comfortable, which sums must be verified by the affidavit of said sheriff or deputy sheriff; and that, in the case of John England, the sum of five dollars be allowed for a carry-all.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Adopted Jan. 22d, 1842.]

NUMBER XXIV.

A memorial to the Congress of the United States, praying that compensation may be made to the Tennessee Volunteers, who have lost horses and other property in the late Indian War in Florida!

To the Senate and House of Representatives of the United States, in Congress Assembled:

The General Assembly of the State of Tennessee, now in session, in pursuance of certain joint resolutions, adopted by both Houses, on the 12th day of October, 1841, herewith enclosed as a part of this memorial, and influenced by a laudable desire to aid certain citizens of Tennessee, their constituents, who have heretofore, at various times, during the pending of the Indian War in Florida, volunteered in the Military service of the United States; in procuring pay and remuneration for their horses, and other property lost in said service; the General Assembly respectfully invite the attention of your honorable body, to the consideration of the claims of said volunteers, which have been heretofore, or which may hereafter be presented by said volunteers, or their agents or assignees, to the War Department at Washington, praying compensation for horses and property lost in said Military service. The General Assembly is deeply impressed with a sense of the justice of said claims in the aggregate, though it is fully admitted that there may be individual cases where unjust demands may have been presented for payment under the acts of Congress, authorising the liquidation of said claims.

This General Assembly is fully aware that many difficulties and obstructions must necessarily exist in procuring the special and specific kinds of testimony in support of said claims, and many individual portions of said claims, which the accounting department of the Government, in the exercise of an unrestricted discretion, may require of claimants, under the existing acts of Congress, the losses of horses and property, upon which said claims are founded, occurred at different dates, at different places, in an enemies country in the midst of wilderness and swamps, and from casualties of various kinds, rendering the proofs required in each particular case hard and difficult of procurement, and, in many cases, impossible to be procured, according to the rules of proof adopted by the department. Those to whom these claims are due, and those who sustained said losses, constitute a meritorious portion of the citizens of the State of Tennessee, and form a portion of the great body of the citizen soldiers of said State, who have been, in all past emergencies, ready, on every occasion, to fly to the service of their country.

To the end therefore, that justice may be done in the premises; the General Assembly respectfully prays that such act or acts of Congress, may be passed in addition to former acts upon the same subject, if the same may be deemed proper, in your wisdom, as will ensure a fair, equitable and proper settlement and payment of all just and honest claims, embraced within the scope and object of this memorial; and that such

acts, if passed, may prescribe the reasonable mode and manner in which said claims shall be proved, authenticated and paid.

Your memorialist refer your honorable body to the documents heretofore submitted to Congress on this subject, and to the documents and proofs on the subject remaining on file in the War Department, for a more perfect history of the facts connected with the claims referred to, and on which they are founded.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,
Speaker of the Senate.

Adopted Nov. 25th, 1841.]

NUMBER XXV.

A resolution directory to the Superintendent of Public Instruction, in relation to refunding money to Hardeman County

Resolved by the General Assembly of the State of Tennessee, That the Superintendent of Public Instruction be, and he is hereby directed and required to pay over to the county trustee of Hardeman county, such portion of interest paid by said county of Hardeman, as is provided to be refunded by the 13th section of the act of 28th January, 1840, and the receipt of said trustee, or his authorised agent, shall be good to the said Superintendent, or the Bank of Tennessee, for the amount so paid and found to be due.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Adopted Dec. 21st, 1841.]

Speaker of the Senate.

NUMBER XXVI.

An amendatory resolution directory to the Comptroller of the Treasury.

Resolved, as amendatory to the Resolution of this General Assembly, adopted 10th. December, 1841, That the Comptroller of the Treasury issue a duplicate warrant of number three thousand one hundred and forty-five, for the sum of nineteen hundred and seventy-three dollars and forty-five cents, in favor of George M. Arnold, trustee of Henderson county, in order that the Bank of Tennessee may, under the restrictions and provisions of a resolution passed by this General Assembly, 10th December, 1841, pay the said sum of nineteen hundred and seventy

three dollars and forty-five cents, to the said George M. Arnold, trustee of Henderson county.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,

Adopted 27th January, 1842.]

Speaker of the Senate.

NUMBER XXVII.

Preamble and Resolutions.

WHEREAS, many delays and obstructions manifestly unjust to a meritorious portion of the citizens of this State, have arisen in one or more of the accounting bureaus at the City of Washington, in auditing, passing and paying the claims of the volunteers of Tennessee, who have served at various times during the pending Indian War in Florida, for horses, accoutrements and other property lost in said service; after acts of Congress have been passed, authorizing the settlement and payment of said claims, which delays have hitherto amounted to an almost total denial of justice; Therefore,

Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in every proper and lawful manner, to have the claims mentioned in the foregoing preamble adjudicated, adjusted and paid, and that they also use their best endeavors to procure the passage of any additional act or acts of Congress which may be necessary to expedite and ensure the payment of said claims.

Resolved, That this General Assembly will respectfully memorialize the Congress of the United States, asking that all such proper acts may be passed and measures adopted, as will procure the adjustment and speedy payment of said claims.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
 SAM. TURNEY,
Speaker of the Senate.

Adopted Oct. 12th, 1841.]

NUMBER XXVIII.

Resolved by the General Assembly of the State of Tennessee, That the Attorney General for the 13th Solicitorial District be, and he is hereby required forthwith to make diligent enquiry into the condition and proceedings of the Pelham and Jasper Turnpike Company, and

whether the State has been, or is likely to be defrauded by the operations of the same, and of the facts connected with the payments of stock on the part of the Stockholders, by which the State bonds were procured to be issued, and whether in fact any money was *bona fide* paid, and if any, how much.

And the said Attorney General is hereby empowered to send for persons, books and papers, and to take the depositions of witnesses to be sworn to before any Judge or Justice of the Peace in this State, and that he also take proof of the fact, whether the Stockholders or President and Directors of said company have at any time, by vote, determined to surrender their charter, and any amount of State bonds which may have issued to them, and if so determined; proof of the reason why said surrenders have not been made. And said Attorney General shall report his proceedings in the premises to the Attorney General of the State.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Adopted Nov. 11, 1841.]

Speaker of the Senate.

NUMBER XXIX.

Resolution directory to the Superintendent of Public Instruction, in relation to the payment of certain monies to the 1st School District in Munroe county.

WHEREAS, the Commissioners of the first Common School District of Munroe county, did, in their report for 1839, made to the Clerk of the County Court for said county, show that their scholastic population was 213 in number, and

WHEREAS, the said County Court Clerk in his report to the Superintendent of Public Instruction, did, by mistake, report the scholastic population of said first District to be but 113 in number, on which report, the apportionment to said district has been made for two successive years, in consequence of which, the aforesaid first district has been deprived of their ratable portion of funds to the extent as above shown.

Resolved by the General Assembly of the State of Tennessee, That the Superintendent of Public Instruction be instructed to correct the mistake made by the County Court Clerk of Munroe county, in relation to the first Common School District of said county, and pay, or cause to be paid to the Commissioners of said District, such amount as he may find due in consequence of such mistake.

BURCHETT DOUGLASS,
Speaker of the House of Representatives.
SAM. TURNEY,

Speaker of the Senate.

Adopted Dec. 23, 1841.]

ERRATA.

In page 31, 23d line from the top, for "investigate him," read "interrogate him."

Page 81, 7th line from top, for "officer," read "offence."

Page 83, in caption, Chapter 59, for "chapter 21," read "chapter 24."

Page 192, 4th line from bottom, for "and those" read "or those."

Page 221, 14th line from top, for "form of the county," read "force of the county."

Page 221, 15th line from bottom, for "such process may be amended," read "such defect may be amended."

SECRETARY OF STATE'S OFFICE, }
Nashville, April 1, 1842. }

I have carefully collated the foregoing Acts and Resolutions with the originals on file in my office, and find them to be correct copies.

JNO. S. YOUNG,
Secretary of State.

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Wells, Thomas, compensation, c 131, s 2	145
White's Creek turnpike company—charter of extended, c 166	180

AMOUNT OF RECEIPTS AND EXPENDITURES OF THE

RECEIPTS.

From county court clerks,	90,982 63	
From circuit court clerks,	24,793 34	
From chancery court clerks,	2,272 95	
From supreme court clerks,	4,075 85	
From Sheriffs,	125,617 95	248,242 72
Lagrange and Memphis railroad, interest refunded,	105 00	
Life and Trust Company, bonus of 1839,	750 00	
Yeatman, Woods & Co., banking privilege of 1839,	500 00	
Planters' Bank, bonus of 1839,	10,000 00	
Planters' Bank, interest on United States' surplus deposit,	9,116 61	
Union Bank, interest on United States' surplus deposit,	10,610 00	
Memphis Bank, interest on United States' surplus deposit,	518 29	
Bank of Tennessee, dividend of 1840 for common schools,	100,000 00	
Memphis Bank, bonus of 1838,	3,000 00	
Memphis Bank, bonus of 1839,	3,000 00	
Bank of Tennessee, dividend of 1840 for academies,	18,000 00	
Planters' Bank, bonus of 1840,	10,000 00	
Marine and Fire Company, bonus of 1840,	750 00	
Life and Trust Company, bonus of 1840,	750 00	
Yeatman, Woods & Co, banking privilege of 1840,	500 00	
Memphis Bank, bonus of 1840,	3,000 00	
Wm. Fennell, a Hiwassee purchaser,	304 45	
James Johnson, do do	231 25	
Eli Cleveland, do do	28 24	
Merchants' Insurance and Trust Company, bonus of 1840,	250 00	
Bank of Tennessee, dividend of 1841 for common schools,	100,000 00	
Bank of Tennessee, dividend of 1841 for academies,	18,000 00	
Penitentiary,	5,332 33	295,497 07
Total amount received,	543,739 79	
Amount in the Treasury, October 1, 1839,	116,599 43	
From which deduct expenditures,	660,339 22	
	470,748 75	
Leaves on the first Monday in October, 1841, a balance in the Treasury, of	189,590 47	

PUBLIC MONEY FROM OCT. 1, 1839, TO OCT. 1, 1841.

EXPENDITURES.		
Legislative expenses at session of 1839-40,		64,831 60
Judiciary, viz:—Supreme court,	10,604 00	
Chancery court,	11,500 00	
Circuit court,	40,351 44	
Attorneys,	5,212 48	
Executive,		67,667 92
Costs of criminal prosecutions,		14,299 47
Penitentiary,		50,529 27
Wolf scalps,		6,495 35
Public printing,		1,246 00
Meigs' Reports,		9,420 83
Humphrey's Reports,		2,109 75
Tax, aggregate list,		46 07
Lunatic Hospital,		1,672 00
Public Arms,		6,600 00
County Commissioners,		729 00
Internal Improvements,		5 00
Geology,		1,722 62
School Fund,		1,268 32
Academy Fund,		191,576 82
Sinking Fund,		24,240 00
Electors of President and Vice President,		20,244 81
Enumeration of 1841,		628 46
Daniel Fox, annuity of 1839,		2,454 19
Winston and Moore, apprehending a fugitive,		40 00
George W. Latimer, " "		200 00
R. G. Scoggin, " "		200 00
John W. Fowler, " "		309 50
A. L. Crossman, " "		196 00
J. B. Ragsdale, " "		500 00
James Miller, " "		500 00
R. H. Campbell, " "		200 00
John W. Brazeale, for printing,		200 00
James H. Graves, running county line,		4 50
Holleman and Hollingsworth, special attorneys,		6 75
Eichbaum and Barnard, binding old acts and journals,		25 00
R. B. Jones, sheriff, tax refunded,		471 25
Daniel Fox, annuity of 1840,		23 70
		40 00
		470,748 75

DANIEL GRAHAM, *Comptroller of the Treasury.*

